

For a Listing of Upcoming Board Meetings See Page vi of this Table of Contents
Santa Monica-Malibu Unified School District
Board of Education Meeting
AGENDA

May 19, 2011

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, May 19, 2011**, in the **District Administrative Offices**: 1651 16th Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:30 p.m. in the Board Conference Room at the District Offices, at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 6:00 p.m. in the Board Room.

The public meeting will begin at 6:00 p.m.

Persons wishing to address the Board of Education regarding an item that is scheduled for this meeting must submit the "Request to Address" card prior to discussion of that item. Persons wishing to address the Board of Education regarding an item that is not scheduled on this meeting's agenda may speak during the Public Comments section by submitting the Request to Address card at the beginning of the meeting. The same card is used for either option and is printed in both Spanish and English. Cards are located with meeting materials just outside the meeting room. Completed cards should be submitted to the Recording Secretary.

Time Certain Items: Those items listed for a specified time (marked in the margin) are so noted to give the public an indication of when the Board will hear that item. However, if it is prudent to do so, the Board may adjust the time stamp to complete an item currently on the floor, but will not delay the time stamped item for more than 15 minutes.

I. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III. CLOSED SESSION (90)

- Receipt of recommendation for approval of the proposed settlement cases pursuant to GC §54956.9 (b), as cited in the Brown Act (10):
DN-1014-10/11
- Conference with Superintendent regarding 2011-12 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (10)
- Conference with Superintendent regarding 2011-12 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act (10)
- Closed session with legal counsel concerning anticipated litigation pursuant to GC §54956.9 as cited in the Brown Act (2 cases). (20)
- Pupil hearing pursuant to EC §48918 (c) as cited in the Brown Act (*agenda item Nos. A.37 and A.38*) (20)
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC§54957, as cited in the Brown Act (Superintendent) (20)

IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (20)

- Santa Monica High School Jazz Band and Combo
- City Youth Resource Team Group

V. APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

May 2, 2011
May 5, 2011
May 9, 2011

VII. **CONSENT CALENDAR** (30)

As agreed by the President, Vice President, and Superintendent during agenda planning, consent agenda items are considered routine, require no discussion, and are normally approved all at once by the Board of Education. However, members of the Board of Education, staff, or the public may request an item be moved from the consent agenda to Section XI (Major Items) for clarification and/or discussion.

Curriculum and Instruction

A.02	Approval of Independent Contractors.....	2-3
A.03	Overnight Field Trip(s) 2010-11.....	4
A.04	Conference and Travel Approval Ratification.....	5-6
A.05	Supplemental Textbooks.....	7-8
A.06	2011-12 Adult Education Center Approval.....	9-9b
A.07	Approval of Santa Monica High School SPSA.....	10
A.08	Approval of Special Education Contracts – 2010-2011.....	11-13

Business and Fiscal

A.09	Award of Purchase Orders – 2010-2011.....	14-14b
A.10	Acceptance of Gifts – 2010-2011.....	15-19

Measure “BB”

A.11	Contract Amendment #29 for Additional Architectural Services for SWPPP – Lincoln Middle School – Replacement of Classroom Building C, Modernization and Site Improvements Project (Package 2) – DLR Group WWCOT – Measure BB.....	20-21
A.12	Acknowledge Change in Company Name from LFR, Inc. to Arcadis U.S., Inc. – Measure BB.....	22
A.13	Contract Amendment #1 for Additional Testing and Special Inspection Services – Malibu Middle and High School – Soil Remediation Project – BTC Labs – Measure BB.....	23
A.14	Contract Amendment #2 for Additional Testing and Special Inspection Services – Point Dume Elementary School – Gas Line Project – BTC Labs – Measure BB.....	24
A.15	Contract Amendment #3 for Additional Testing and Special Inspection Services – Santa Monica High School – DSA Compliance Project – BTC Labs – Measure BB.....	25
A.16	Award of Bid #10.37.BB-03-113284 – Malibu High School Campus Wide Fire Alarm System Project – Lowest Responsive Responsible Bidder – Measure BB.....	26-27
A.17	Contract Amendment #1 for Additional Inspection Services - McKinley Elementary School – Entry and main Office Reconfiguration – Stephen Payte DSA Inspections, Inc. – Measure BB.....	28
A.18	Contract Amendment #6 for Additional Testing and Special Inspection Services – McKinley Elementary School – Entry and Main Office Reconfiguration project – MTGL, Inc. – Measure BB.....	29
A.19	Award of Contract for Inspection Services – Malibu Middle and High School – Campus-Wide Fire Alarm Replacement Project – Stephen Payte DSA Inspections, Inc. – Measure BB.....	30
A.20	Award of Bid #10.42.BB – Malibu high School, Soil Remediation Project – Lowest Responsive Responsible Bidder – Measure BB.....	31
A.21	Authorization to Use Cooperative Purchasing Network (TCPN) Contract to Thyssenkrupp Elevator Corporation for Elevator Services – Contract No. TCPN-R5042 – Measure BB.....	32
A.22	Contract Amendment #23 for Soil Remediation Monitoring – Malibu High School, Campus Improvement Project – Arcadis – Measure BB...33-34	
A.23	Accept Work as Complete for Emergency Resolution No. 10-17 – SMASH/Muir Facility Gas Line Repair – ARB, Inc. – Measure BB.....	35

A.24	Accept the Terms of the Memorandum of Understanding to Contract for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables – John Adams Middle School – Replacement of Classroom Buildings E, F, & G, New Administration, Modernization and Site Improvements Project – Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) (03-112630) & Relocatables (Package 2A) (03-113013) – R&H Industries DBA Best Electric – Measure BB.....	36-37
A.25	Approve Amendment to Contract for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables – John Adams Middle School – Replacement of Classroom Buildings E, F, & G, New Administration, Modernization and Site Improvements Project – Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) (03-112630) & Relocatables (Package 2A) (03-113013) – R&H Industries DBA Best Electric – Measure BB.....	38-39
A.26	Approve Amendment to Contract for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables – John Adams Middle School – Replacement of Classroom Buildings E, F, & G, New Administration, Modernization and Site Improvements Project – Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) (03-112630) & Relocatables (Package 2A) (03-113013) – R&H Industries DBA Best Electric – Measure BB.....	40-41
A.27	Accept Work as Complete for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables – John Adams Middle School – Replacement of Classroom Buildings E, F, & G, New Administration, Modernization and Site Improvements Project – Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) (03-112630) & Relocatables (Package 2A) (03-113013) – R&H Industries DBA Best Electric – Measure BB.....	42

Personnel

A.28	Certificated Personnel – Elections, Separations	43-46
A.29	Classified Personnel – Merit.....	47-50
A.30	Classified Personnel – Non-Merit.....	51
A.31	Approve Employee Agreement – Superintendent.....	52-52g

General

A.32	Revise BP 1150 – Commendations and Awards.....	53-54
A.33	Revise BP 1240 – Volunteer Assistance.....	55-57
A.34	Revise BP 1250 – Visitors/Outsiders.....	58-59
A.35	Revise BP 6011 – Academic Standards	60-62
A.36	Revise BP 6161.1 – Selection and Evaluation of Instructional Materials	63-96
A.37	Replace BB 9270 – Conflict of Interest	67-78
A.38	Expulsion of Student (B/D 08/29/96)	79
A.39	Expulsion of Student (B/D 07/26/97)	80
A.40	Set Date for Additional Board Meeting in Mid-June 2011.....	81

VIII. PUBLIC COMMENTS

Public Comments is the time when members of the audience may address the Board of Education on items not scheduled on the meeting's agenda. All speakers are limited to three (3) minutes. When there is a large number of speakers, the Board may reduce the allotted time to two (2) minutes per speaker. The Brown Act (Government Code) states that Board members may not engage in discussion of issues raised during "VIII. Public Comments" except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff. This Public Comment section is limited to twenty (20) minutes. If the number of persons wishing to address the Board of Education exceeds the time limit, additional time will be provided in **Section XVI. CONTINUATION OF PUBLIC COMMENTS.**

IX. COMMUNICATIONS (30)

The Communications section provides an opportunity for the Board of Education to hear reports from the individuals or committee representatives listed below. All reports are limited to 5 minutes or less. However, if more time is necessary, or if a report will not be presented, please notify the Board secretary eight workdays prior to the date of the meeting.

A. Student Board Member Reports (15)

Tanya Choo – Santa Monica High School

Elizabeth Wilson – Malibu High School

Billy Foran – Olympic High School

B. SMMCTA Update – Mr. Harry Keiley (5)

C. S.E.I.U. Update – Ms. Keryl Cartee-McNeely (5)

D. PTA Council – Shari Davis (5)

X. SUPERINTENDENT’S REPORT (5)

MAJOR and DISCUSSION Items

As a general rule, items under MAJOR and DISCUSSION will be listed in order of importance as determined by the President, Vice President, and Superintendent. Individual Board members may move to request a change in the order prior to consideration of any Major item. The Board may also move any of these items out of order to be heard immediately following PUBLIC COMMENTS if it appears that there is special interest by the public or as a courtesy to staff members making presentations to the Board.

XI. MAJOR ITEMS (105)

These items are considered to be of major interest and/or importance and are presented for **ACTION (A)** or **INFORMATION (I)** at this time. Many have been reviewed by the Board at a previous meeting under Section XII (Discussion Items) of the agenda.

A.41 Consider Revising BP 5131.61 – Controlled Substance (60).....82-86

A.42 Approve Reorganization of Child Development Services for
2011-12 (20) 87

A.43 Adopt Resolution No. 10-45 – Reduction or Elimination of Child
Development Program Permit Positions and Notify Affected
Employees of Recommendation of Layoff (10).....88-90

A.44 Reconvene the Citizens Committee to Examine the Feasibility of
An Emergency Parcel Tax and Future Capitol Improvement
Bond Measure (15)..... 91

XII. DISCUSSION ITEMS (195)

These items are submitted for information (FIRST READING) and discussion. Action will generally be considered at the next regularly scheduled meeting of the Board.

7:00 pm D.01 Updates on the Santa Monica Education Collaborative (45)..... 92

D.02 Proposed Health Services Delivery Model (45).....93-99

D.03 Writing Instruction/Development of Writing Framework (45)..... 100

D.04 Review Draft Santa Monica High School Use Agreement with City of
Santa Monica (30) 101-102p

D.05 Budget Update (30) 103

XIII. INFORMATIONAL ITEMS (0)

I.01 Supplemental Textbooks 104

I.02 Textbooks 105

XIV. BOARD MEMBER ITEMS (0)

These items are submitted by individual board members for information or discussion, as per Board Policy 9322.

XV. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION

A board member or member of the public may request that a matter within the jurisdiction of the board be placed on the agenda of a regular meeting, as per Board Policy 9322. The request shall be in writing and be submitted to the superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue. The board president and superintendent shall decide whether a request is within the subject matter jurisdiction of the board. Items not within the subject matter jurisdiction of the board may not be placed on the agenda. In addition, the board president and superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

XVI. CONTINUATION OF PUBLIC COMMENTS

A continuation of Section VIII, as needed. (If the number of persons wishing to address the Board of Education exceeds the time limit in section VIII, additional time will be provided in Section XVI, **CONTINUATION OF PUBLIC COMMENTS**.)

XVII. BOARD MEMBER COMMENTS

Board Member Comments is the section where a Board member may make a brief announcement or report on his/her own activities relative to Board business. There can be no discussion under "BOARD MEMBER COMMENTS."

XVIII. FUTURE AGENDA ITEMS

Items for future consideration will be listed with the projected date of consideration. The Board of Education will be given any backup information available at this time.

XIV. CLOSED SESSION

The Board of Education will, if appropriate, adjourn to Closed Session to complete discussion on items listed under Section III (Closed Session) following the regular business meeting.

XX. ADJOURNMENT

This meeting will adjourn to the next regular meeting, which is scheduled for **Thursday, June 2, 2011**, at 6:00pm at the district office: 1651 16th Street, Santa Monica, CA.

**Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on CityTV2, Cable Channel 20 – Check TV listing.
Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.**

SMMUSD Board of Education Meeting Schedule 2010-2011

Closed Session begins at 4:30pm
Public Meetings begin at 6:00pm

July through December 2010					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July			7/14* DO		*Wednesday, 7/14
August	8/4* DO		8/18* DO		*8/4: Workshop *Wednesday, 8/18
September	9/2 9/1* DO 9/4* DO		9/16* DO	9/23 DO	*Wednesday, 9/1 *9/4: Special Closed Session First day of school: 9/7 *9/16: Special Meeting
October	10/7 M		10/21 DO	10/29* DO	*10/29: Special Meeting
November	11/4 M		11/18 DO		Thanksgiving: 11/25-26
December	12/2* M	12/9 DO		winter break	*12/2: Special Meeting in Malibu
December 18 – 31: Winter Break					
January through June 2011					
January 1 – 2: Winter Break					
January	1/3* DO	1/13 DO	1/20* DO		*1/3: Special Meeting *1/20: Special Meeting
February	2/3 M		2/17 DO		
March	3/3 DO		3/17 DO	3/24* DO	*3/24: Special Closed Session
April 11 – 22: Spring Break					
April	4/2-3* DO 4/6* DO	spring break	spring break 4/23* DO		*4/2-3: Special Closed Session *Wednesday, 4/6 (rescheduled from 4/14) *Stairway: 4/7 & 4/8 * 4/23: Special Closed Session
May	5/2* DO 5/5 M	5/9* DO	5/19 DO		* 5/2: Special Meeting * 5/9: Special Meeting
June	6/2 DO		6/16 DO	6/30* DO	Last day of school: 6/22 *6/30 replaces 6/16

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23815 Stuart Ranch Road, Malibu, CA

**Santa Monica-Malibu Unified School District
Board of Education
May 5, 2011**

I. CALL TO ORDER

A. Roll Call

Jose Escarce – President
Ben Allen – Vice President
Oscar de la Torre
Maria Leon-Vazquez
Laurie Lieberman
Ralph Mechur
Nimish Patel

Student Board Members

B. Pledge of Allegiance

II. CLOSED SESSION

TO: BOARD OF EDUCATION
FROM: TIM CUNEO
RE: APPROVAL OF MINUTES

ACTION
05/19/11

RECOMMENDATION NO. A.01

It is recommended that the Board of Education approve the following Minutes:

May 2, 2011
May 5, 2011
May 9, 2011

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

CONSENT ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JANECE L. MAEZ / PEGGY HARRIS /
STUART SAM

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education enter into an agreement with the following Independent Contractors. These contracts are included in the 2010-2011 budget.

Contractor/ Contract Dates	Description	Site	Funding (Measure BB)
NONE			

Contractor/ Contract Dates	Description	Site	Funding
Martha Ramirez-Oropeza 2/22/11 – 6/30/11 Not to exceed \$2137.50	Coordination and Implementation of Visual Arts program for Gr. K-5	Edison	01-90150-0-11100-83000-5890-001-1501
Angels At Risk (Susie Spain) 2/1/11 to 6/30/11 Not to exceed: \$5,000	Provide parent and student support group for teens struggling with substance abuse.	Malibu High	001-90141-0-11100-10000-5802-010-4100 (Shark Fund)
Family Services of Santa Monica 4/1/11 to 9/30/11 Not to exceed: \$2,500 (4/1/11-9/30/11) & \$5,000 (10/1/11-9/30/11)	To provide social services through family counselors to Early Head Start Children in the Infant and Toddler Center at SAMOHI.	Child Development Services	12-52108-0-85000-10000-5802-070-2700 (Early Head Start)

(Continued on next page)

Travis Ross 5/27/11 to 8/12/11 Not to exceed: \$ 6,300	To provide professional development module emphasizing the use of the California content standards as a guide to planning and mapping content-area curriculum.	St. Anne's St. Monica's Elementary and Our Lady of Malibu	<u>\$1,500</u> : 01-40350-0-11100-10000-5802-036-1300 (St. Anne's) <u>\$1,500</u> : 01-40350-0-11100-10000-5802-037-1300 (St. Monica's) <u>\$1,500</u> : 01-40350-0-11100-10000-5802-033-1300 (Our Lady of Malibu for PD) <u>\$600</u> : 01-40350-0-11100-10000-5802-036-1300 (St. Anne's) <u>\$600</u> : 01-40350-0-11100-10000-5802-037-1300 (St. Monica's) <u>\$600</u> : 01-40350-0-11100-10000-5802-033-1300 (Our Lady of Malibu for inservice supplies; Title II)
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MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

5/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / MAUREEN BRADFORD

RE: OVERNIGHT FIELD TRIP(S) 2010-2011

RECOMMENDATION NO. A.03

It is recommended that the Board of Education approve the special field trip(s) listed below for students for the 2010-2011 school year. No child will be denied due to financial hardship.

School Grade # students	Destination Dates of Trip	Principal/ Teacher	Cost Funding Source	Subject	Purpose Of Field Trip
SMASH 8th 19	UC Berkeley, Hostel International, San Francisco, CA 6/13/11 – 6/17/11	J. Rishe/ K. Holland	\$500 per student paid by parents and fundraising	College Visit	Build College-Bound Mindset. Celebrate 8 th grade.
Samohi 9 th – 12 th 5	Dana Hills Team Tennis Tournament, Dana Hills High School, Dana Point, CA 3/18/11 – 3/19/11	H. Pedroza/ W. Poon	\$100 per student paid by parents and fundraising	PE (Tennis)	Students participated in the Dana Hills Team Tennis Tournament.
Samohi 9 th – 12 th 5	Ojai Tennis Tournament at the Ojai Valley Tennis Club, Ojai, CA 4/28/11 – 4/30/11	H. Pedroza/ W. Poon	\$150 per student paid by parents and fundraising	PE (Tennis)	Students competed at the Ojai Tennis Tournament.
Samohi 9 th – 12 th 14	Ann Kang Invitational Volleyball Tournament in Honolulu, HI 8/10/11 – 8/17/11	H. Pedroza/ L. Boone/ L. Sato/ D. Escalera	\$2,000 per student paid by parents and fundraising	PE (Girls Varsity Volleyball Team)	Students will be competing at the Volleyball Tournament. Please see the attached letter.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / PAT HO

RE: CONFERENCE AND TRAVEL APPROVAL/RATIFICATION

RECOMMENDATION NO. A.04

It is recommended that the Board of Education approve/ratify the following Requests for Absence on District Business (Conference and Travel) forms.

COMMENTS: Entries are alphabetical, by employee last name. In addition to the employee's name and site/location, each entry contains the following information: name, location and date (s) of the conference, complete account code, fund and program names, and the total estimated cost as provided by the site administrator. The average cost for substitute teachers is \$130/day. This figure is furnished for informational purposes and does not reflect the actual amount paid for an individual substitute.)

AME SITE Account Number Fund – Resource Number	CONFERENCE NAME LOCATION DATE (S)	COST ESTIMATE
<u>BERMAN, Lauren</u> Franklin Elementary No Cost	Regional Symposium on Traditional Kindergarten Downey, CA May 4, 2011	\$0 +1 SUB
<u>CROMARTIE, Lanette</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	2011 May Budget Workshop Downey, CA June 1, 2011	\$25
<u>GATES, Janie</u> Olympic High No Cost	Association of California School Administrators Task Force Meeting Sacramento, CA June 3, 2011	\$0
<u>HO, Pat</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	May Revision Workshop Ontario, CA May 23, 2011	\$165
<u>MAEZ, Janece</u> Business Services 01-00000-0-00000-73000-5220-050-1500 General Fund- Function: Business Services	May Revision Workshop Santa Barbara, CA May 20, 2011	\$145
<u>MARRON, Esther</u> Child Development Services 12-52101-0-85000-10000-5220-070-2700 Child Development Fund- Resource: Head Start	Center on the Social and Emotional Foundations for Early Learning (CSEFEL) Los Angeles, CA 3/1, 3/2, 4/5, 4/6 2011	\$235
<u>MCELVAIN, Nora</u> Santa Monica High 01-00000-0-11100-31400-5300-041-1400 General Fund- Function: Health Services	Childhood Neurology Glendale, CA May 19, 2011	\$250 +1 SUB
<u>SERRATORE, Rosa</u> Ed Services 01-40350-0-11100-21000-5220-035-1300 General Fund- Resource: Title II	Common Core State Standards In Math Downey, CA May 20, 2011	\$80

<u>SAMARGE, Susan</u> Human Resources 01-00010-0-11100-10000-5220-025-1250 General Fund- Resource: Tier III	BTSA Cluster 4 Spring Directors Meeting Claremont, CA May 4, 2011	\$175
<u>SUOMU, Susan</u> McKinley Elementary 01-91700-0-11100-10000-5220-004-4040 General Fund- Resource: Cotsen Family Foundation	CGI Speaker Series Los Angeles, CA February 3, 2011	\$25
<u>SUOMU, Susan</u> McKinley Elementary 01-91700-0-11100-10000-5220-004-4040 General Fund- Resource: Cotsen Family Foundation	CGI For Non-Beginners Los Angeles, CA February 5, 2011	\$160
<u>TASLIMI, Laila</u> McKinley Elementary 01-91700-0-11100-10000-5220-004-4040 General Fund- Resource: Cotsen Family Foundation	CGI For Non-Beginners Los Angeles, CA February 5, 2011	\$160

Adjustments (Preapproved expenses 10% in excess of approved costs that must be approved by Board/Changes in Personnel Attendance)		
NONE		

Group Conference and Travel: In-State * a complete list of conference participants is on file in the Department of Fiscal Services		
<u>HO, Pat</u> <u>ONTIVEROS, Larry</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	2010/2011 Year-End Closing Diamond Bar, CA May 26, 2011	\$10 Total
<u>TANIOS, Elhamy</u> <u>+8 Additional Staff</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	2010/2011 Year-End Closing Downey, CA May 16, 2011	\$130 Total

Out-of-State Conferences: Individual		

Out-of-State Conferences: Group		

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / PEGGY HARRIS

RE: SUPPLEMENTAL TEXTBOOKS

RECOMMENDATION NO. A.05

It is recommended that the textbooks listed below be adopted for the Santa Monica-Malibu Unified School District.

COMMENT: In accordance with the Board of Education policy, the textbooks(s) listed below have been on public display for the past two weeks in the Educational Services Department at 1638 – 17th Street, Santa Monica, CA 90404.

Zeitoun, by Dave Eggers for Santa Monica High School schoolwide summer reading book.
Adoption requested by Meredith Louria.

Alice's Adventures in Wonderland, by Lewis Carroll for SMMUSD Summer Reading List for grades 6-8. Adoption requested by Kelly Urtz, Librarian.

War of the Worlds, by H.G. Wells for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz, Librarian.

Candy Bomber: The Story of the Berlin Airlift's "Chocolate Pilot", by Michael O. Tunnell for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Claudette Colvin: Twice Toward Justice, by Phillip Hoose for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Code Talker, by Joseph Bruchac for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Knucklehead, by Jon Scieszka for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Savvy, by Ingrid Law for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Smile, by Raina Tellegmeier for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

(Continued on next page)

We Beat The Street: How a Friendship Pact Led to Success, by Dr. Sampson Davis, Dr. Geroge Jenkins, Dr. Rameck Hund, and Sharon M. Draper SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

Zeus: King of the Gods, by George O'Connor for SMMUSD Summer Reading List for grades 6-8.
Adoption requested by Kelly Urtz and Susan Bodok, Librarians.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JANIE GATES

RE: 2011/2012 ADULT EDUCATION CENTER APPROVAL

RECOMMENDATION NO. A.06

It is recommended that the Board of Education approve the Adult Education courses to be offered for the 2011/2012 school term.

COMMENTS: The list of courses represent course titles approved by the Department of Education, State of California. Only courses on the approved list may be used to generate ADA for which the district will be reimbursed. The list is not available in the electronic agenda. However, it is printed in the published agenda and is available for the public review in the Adult Education Office and as part of the public copies of the agenda, which are available at the meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

California Department of Education

Date: 05/09/2011

To: Janie Gates
Adult Education Administrator
Santa Monica-Malibu Unified School District
CDS: 19-64980

From: Cliff Moss
Education Programs Consultant
Adult Education Office
916-327-6378



Subject: Course Approval for 2011-12

Your request for approval of the following 30 courses have been received, recorded, and approved for the 2011-12 school year.

Course Number	Course Name	Most Recent Year Course Outline Developed/Updated	Job Market Study Year
1.1001	English Language Arts	2003	---
1.1002	Mathematics	2003	---
1.2011	English 1	2003	---
1.2012	English 2	2003	---
1.2013	English 3	2003	---
1.2014	English 4	2003	---
1.2015	Literature	2003	---
1.2018	English Language Arts Electives	2003	---
1.2019	Consumer Mathematics	2011	---
1.2021	Algebra I	2003	---
1.2022	Integrated Math	2003	---
1.2023	Geometry	2005	---
1.2027	Mathematics Electives	2003	---
1.2030	Earth Science	2006	---
1.2031	Physical Science	2006	---
1.2032	Health & Life Sciences	2003	---
1.2041	US History	2005	---
1.2042	World History	2005	---
1.2043	American Government	2003	---

1.2044	Economics	2003	---
1.2045	Psychology	2004	---
1.2055	Visual and Performing Arts	2003	---
1.2057	Electives	2003	---
1.2058	Test Preparation	2003	---
2.1020	ESL Beginning (Low-High)	2003	---
2.1030	ESL Intermediate (Low-High)	2003	---
2.1040	ESL Advanced (Low-High)	2003	---
2.1050	ESL Multi Level	2003	---
2.1090	ESL/Citizenship	2003	---
2.2000	Citizenship Preparation	2003	---

You are authorized to claim apportionment for the above courses. It is recommended that you use these Course Titles with your suggested classes listed under them when communicating your program offerings to the public.

Course Outlines for all apportionment classes shall be on file and available for review at the adult school or the district office (5 CCR 10508).

To meet optimum educational standards, these course outlines should contain:

- Goals and purposes
- Performance objectives or competencies
- Instructional strategies
- Units of study, with approximate hours allotted for each unit
- Evaluation procedures
- Clear course completion requirements of established goals and objectives

From EC 1900; 41976; 52506; 52515; 52518; 52570.

For Vocational Education courses:

Before establishing a Vocational or Occupational Education Program, you must conduct a job market study in your market area and have it reviewed every two years to justify the vocational program. Refer to the Job Market Study *in EC 52519; 52520* for more information.

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / MAUREEN BRADFORD

RE: APPROVAL OF SANTA MONICA HIGH SCHOOL'S SINGLE PLAN FOR
STUDENT ACHIEVEMENT

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve Santa Monica High School's Single Plan for Student Achievement (SPSA).

COMMENT: On February 17, 2011, the board approved the SPSAs for all school sites, except for Santa Monica High School. The board requested that this plan be returned to Samohi's site governance council for review along with the proposed amendment from council members before it returns for board action.

The Single Plan for Student Achievement establishes a focus for raising the academic performance of students to meet or exceed state standards. The plan includes how the school allocates its categorical and Equity funds in support of improvement goals and also how categorically funded centralized services support the plan. Each School Site Council (SSC) is responsible for the development, implementation, and review of its SPSA. The development of the plan consists of twelve steps:

- 1) Obtain the input of the school community
- 2) Review the school characteristics
- 3) Analyze current educational practices and staffing
- 4) Analyze student performance data
- 5) Establish school goals
- 6) Review available resources
- 7) Select specific improvements
- 8) Consider centralized services
- 9) Recommend the plan to the local governing board
- 10) Monitor progress
- 11) Evaluate the effectiveness of planned activities
- 12) Modify the plan

A copy of the plan is available for viewing in Educational Services and at the school site.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2010-2011

RECOMMENDATION NO. A.08

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2010-2011 as follows:

NPS

2010-2011 Budget 01-65000-0-57500-11800-5125-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed
Heritage School	9103131371	NPS	#67-SPED11168	\$ 4,200
West Ridge Academy	4107929670	NPS	#68-SPED11171	\$ 3,707

Amount Budgeted NPS 10/11		\$ 1,450,000
Prior Board Authorization as of 05-05-11		<u>\$ 1,669,670</u>
	Balance	\$ - 219,670
Positive Adjustment (See Below)		<u>\$ 40,000</u>
		\$ - 179,670
Total Amount for these Contracts		<u>\$ 7,907</u>
	Balance	\$ - 187,577

Adjustment					
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2010-2011 in the amount of \$40,000 as of 05/19/11					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment
Provo Canyon	NPS	#54-SPED11137	R	\$ 5,000	Student discharged
Family Life Center	NPS	#19-SPED11026	R	\$ 25,000	
Cathedral Home for Children	NPS	#26-SPED11043	R	\$ 10,000	Student returned

NPA

2010-2011 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed
Dynamic Therapy Solutions	6168093794	AAC Consultation	#41-SPED11169	\$ 1,440

Amount Budgeted NPA 10/11		\$ 650,000
Prior Board Authorization as of 05-05-11		<u>\$ 914,194</u>
	Balance	\$ -264,194
Positive Adjustment (See Below)		<u>\$ 0</u>
		\$ - 264,194
Total Amount for these Contracts		<u>\$ 1,440</u>
	Balance	\$ -265,634

Adjustment					
NPA Budget 01-65000-0-57500-11800-5126-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2010-2011 in the amount of \$ 0 as of 05/19/11					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Instructional Consultants

2010-2011 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Anne Marie Baer / ASL Assessment Service – contract increase	4191337170	ASL Assessment	#26-SPED11130	\$ 400
Big Fun Therapy – contract increase	6168093794	Occupational Therapy	#3-SPED11009	\$ 2,875

Amount Budgeted Instructional Consultants 10/11	\$ 450,000
Prior Board Authorization as of 05-05-11	\$ <u>636,291</u>
Balance	\$ -186,291
Positive Adjustment (See Below)	\$ <u>0</u>
	-186,291
Total Amount for these Contracts	\$ <u>3,275</u>
Balance	\$ -189,566

Adjustment					
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400					
There has been a reduction in authorized expenditures of Instructional Consultants contracts for FY 2010-2011 in the amount of \$0 as of 05/19/11.					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Non-Instructional Consultants

2010-2011 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Dilette Chiprin – contract increase	Various	Parent Support Group	#26-SPED11139	\$ 510
Parent Reimbursement	9103131371	Travel reimbursement	#32-SPED11167	\$ 1,200
Parent Reimbursement	4107929670	Travel reimbursement	#33-SPED11170	\$ 1,200

Amount Budgeted Non-Instructional Consultants 10/11	\$ 200,000
Prior Board Authorization as of 05-05-11	\$ <u>339,642</u>
Balance	\$ -139,642
Positive Adjustment (See Below)	\$ <u>0</u>
	\$ -139,642
Total Amount for these Contracts	\$ <u>2,910</u>
Balance	\$ - 142,552

Adjustment					
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400					
There has been a reduction in authorized expenditures of Non-Instructional Consultants contracts for FY 2010-2011 in the amount of \$ 0 as of 05/19/11.					
Non- Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Legal

2010-2011 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 10/11		\$ 200,000
Prior Board Authorization as of 05-05-11		<u>200,000</u>
	Balance	\$ 200,000
Adjustments for this period		<u>\$ 0</u>
		200,000
Total Amount for these Contracts		<u>\$ 0</u>
	Balance	\$ 0

Adjustment				
Legal Services Budget 01-65000-0-57500-11900-5820-043-1400				
There has been a reduction in authorized expenditures of Legal Services contracts for FY 2010-2011 in the amount of \$ 0 as of 05/19/11.				
Legal Contractor	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

COMMENT: According to the Education Code SEC.21 Section 56342, prior to recommending a new or continued placement in a non-public, non-sectarian school, the Individualized Education Program (IEP) Team must submit the proposed recommendation to the local governing board for its review and recommendation regarding the cost of such placement.

The recommendations for these severely handicapped students are made by the District IEP Teams in accordance with State and Federal laws. The mandates of IDEA require non-public school services be provided at no expense to parents if there is not an appropriate public school program available. Funding to come from a SELPA-wide non-public school/non-public agency reserve account.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF PURCHASE ORDERS – 2010-2011

RECOMMENDATION NO. A.09

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from April 26, 2011, through May 10, 2011, for fiscal /11.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF MAY 19, 2011

PAGE 1

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
<u>*** NEW PURCHASE ORDERS ***</u>					
115652	ABF CHEMICAL EXTERMINATORS INC	OPERATIONS PEST MANAGEMENT	FACILITY OPERATIONS	770.00	U
115692	AIRGAS INC (SO CAL AIRGAS)	MAINT METAL SHOP SUPPLIES	FACILITY MAINTENANCE	500.00	R
115598	AMFRO INC	PIZZA FOR MALIBU SITES	FOOD SERVICES	1,300.00	F
115648	AMTECH ELEVATOR SERVICES	SAMOHAI ELEVATOR TESTING	FACILITY MAINTENANCE	5,100.00	R
115689	APPLE COMPUTER CORP	Ipad	INFORMATION SERVICES	970.69	U
115722	ARCH WIRELESS		PURCHASING/WAREHOUSE	86.00	U
115599	ATLANTIC EXPRESS OF LA INC	TRANSPORTATION BASEBALL	SANTA MONICA HIGH SCHOOL	452.50	U
115702	ATLANTIC EXPRESS OF LA INC	BASEBALL TEAM/ BISHOP AMAT	SANTA MONICA HIGH SCHOOL	407.50	U
115725	BARBER, JASON	INDEPENDENT CONTRACTOR PAYMENT	SANTA MONICA HIGH SCHOOL	1,100.00	R
115663	CALIFORNIA PEST MANAGEMENT INC	OPEN ORDER OPERATIONS PEST CON	FACILITY OPERATIONS	700.00	U
115711	CALIFORNIA SCHOOL NURSES ORG	The Green Book	HEALTH SERVICES	67.24	U
115708	CANON BUSINESS SOLUTIONS-WEST	YR 1 SERVICE AGREE.FOR COPIER	JOHN ADAMS MIDDLE SCHOOL	1,143.60	BB
115713	CANON BUSINESS SOLUTIONS-WEST	1 MO SERVICE AGREE.FOR COPIER	JOHN ADAMS MIDDLE SCHOOL	90.30	BB
115622	CARLOS GUZMAN INC	Open order for bus repairs	TRANSPORTATION	1,500.00	R
115678	CDW-G COMPUTING SOLUTIONS	DATA SWITCH	R O P	349.26	R
115670	CHANNING L. BETE CO INC	HEARTSAVER CPR AED MATERIAL	HEALTH SERVICES	679.90	R
115750	CHEVRON U.S.A. INC.	MAINTENANCE VEHICLE GAS	FACILITY MAINTENANCE	2,500.00	R
115673	COACH AMERICA LOS ANGELES	MHS CHOIR/PLACENTIA/DISNEYLAND	MALIBU HIGH SCHOOL	1,575.00	R
115617	COCA COLA BOTTLING COMPANY	NONCARB DRINKS FOR VIKES CAFE	FOOD SERVICES	800.00	F
115693	CPI/CRISIS PREVENTION INST INC	TRAINING WORKBOOKS	HEALTH SERVICES	386.03	R
115661	DANIELS TIRE SERVICE	OPEN ORDER OPERATIONS VEHICLES	FACILITY OPERATIONS	1,000.00	U
115611	DECOSTER, DIANA	MILEAGE REIMBURSEMENT	SPECIAL EDUCATION REGULAR YEAR	250.00	R
115642	DOALL INDUSTRIAL SUPPLY	OPEN ORDER OPERATIONS SUPPLIES	GROUPS MAINTENANCE	40.68	R
115659	DOALL INDUSTRIAL SUPPLY	Operations Rain Gear	GROUPS MAINTENANCE	58.21	R
115628	EAST BAY RESTAURANT SUPPLY INC	FREEZER FOR ROOSEVELT	FOOD SERVICES	3,378.71	F
115705	EVENTFUL FLOWER DESIGN	FLORAL SUPPLIES	R O P	1,102.50	R
115638	EWING IRRIGATION PRODUCTS	OPEN ORDER IRRIGATION SUPPLIES	GROUPS MAINTENANCE	1,500.00	R
115709	EXECUTIVE ENVIRONMENTAL	MOLD TESTING AT GRANT	FACILITY MAINTENANCE	232.26	R
115677	FEDERAL EXPRESS	SHIPMENTS FOR SPECIAL ED DEPT4	SPECIAL EDUCATION REGULAR YEAR	450.00	R
115619	GALE SUPPLY CO	CUSTODIAL ITEMS	CHILD DEVELOPMENT CENTER	620.16	CD
115620	GALE SUPPLY CO	CUSTODIAL SUPPLIES	CHILD DEVELOPMENT CENTER	1,297.31	CD
115621	GALE SUPPLY CO	CUSTODIAL SUPPLIES	CHILD DEVELOPMENT CENTER	1,380.27	CD
115639	GALE SUPPLY CO	OPEN ORDER OPERATIONS SUPPLIES	FACILITY OPERATIONS	1,500.00	U
115688	GALE SUPPLY CO	CUSTODIAL SUPPLY	GRANT ELEMENTARY SCHOOL	1,678.17	R
115662	GEORGE'S HARDWARE	OPEN ORDER GROUNDS SUPPLIES	FACILITY OPERATIONS	500.00	U
115610	GLOBE BOOK/PEARSON EDUCATION	Math Text Books	SPECIAL ED SPECIAL PROJECTS	981.04	R
115627	GOLDEN STAR TECHNOLOGY INC	NEC LAMP - NP05LP	GRANT ELEMENTARY SCHOOL	254.68	U
115635	HASLER INC	POSTAL METER RENTAL-SAMOHAI	PURCHASING/WAREHOUSE	297.68	U
115704	HOWARD INDUSTRIES	MAINT HVAC SUPPLIES	FACILITY MAINTENANCE	1,000.00	R
115691	HYATT, VIRGINIA	MILEAGE REIMBURSEMENT	PURCHASING/WAREHOUSE	200.00	U
115656	INTELLI-TECH	PRINTSHOP COMPUTER	PRINTING SERVICES	919.49	U
115681	INTELLI-TECH	Laptop	INFORMATION SERVICES	5,022.10	U
115683	INTELLI-TECH	Symantec Lic & Maintenance	INFORMATION SERVICES	8,313.73	U
115630	INTERNATIONAL PAPER	copy paper	PT DUME ELEMENTARY SCHOOL	269.99	R
115668	JOYCE-WEST,JENNIFER	REIMBURSEMENT: REFRESHMNETS	JOHN ADAMS MIDDLE SCHOOL	96.69	R
115600	KORADE & ASSOCIATE BUILDERS	ASPHALT WALKWAY MCKINLEY	FACILITY MAINTENANCE	1,750.00	R
115614	MAKARIAN,TENI	MILEAGE REIMBURSEMENT	SPECIAL EDUCATION REGULAR YEAR	500.00	R
115641	MANCE, MIKE J.	OPEN ORDER OPERATIONS SUPPLIES	FACILITY OPERATIONS	2,225.00	U
113492	MONASTERO, JON	INDEPENDENT CONTRACTOR PAYMENT	LINCOLN MIDDLE SCHOOL	2,100.00	R

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF MAY 19, 2011

PAGE 2

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
115613	MORGAN, JENNIFER	MILEAGE REIMBURSEMENT	SPECIAL EDUCATION REGULAR YEAR	350.00	R
115612	MULLEN, RUSS	REIMBURSEMENT FOR REFRESHMENTS	JOHN ADAMS MIDDLE SCHOOL	98.37	R
115707	NICHOLAS, HARRY	PRODUCE FOR FARMERS' MRKT SBP	FOOD SERVICES	1,000.00	F
115667	NICK RAIL MUSIC	BARITONE HORN	CURRICULUM AND IMC	2,133.34	R
115697	OFFICE MAX	OPEN ORDER/PRINTING	CHILD DEVELOPMENT CENTER	1,000.00	CD
115629	PIONEER CHEMICAL CO	VACUUM CLEANERS	SANTA MONICA HIGH SCHOOL	2,379.75	R
115706	POLITO FAMILY FARMS	PRODUCE FOR FARMERS' MRKT SBP	FOOD SERVICES	1,000.00	F
115658	QUESTYS SOLUTIONS	SOFTWARE PRINTSHOP COMPUTER	PRINTING SERVICES	8,266.80	U
115647	REES ELECTRONICS OFFICE	COPIER SERVICE CALL	SANTA MONICA HIGH SCHOOL	115.87	U
115723	RICOH BUSINESS SOLUTIONS	COPY MACHINE MAINTENANCE	GRANT ELEMENTARY SCHOOL	333.55	U
115732	RICOH BUSINESS SOLUTIONS	PRINTING	PURCHASING/WAREHOUSE	124.53	U
115740	ROBINSON ANDERSON & ASSOCIATES	EEI OPO/PRINTING/SEMPRA GRANT	CURRICULUM AND IMC	20,000.00	R
115213	SANTA MONICA COLLEGE BOOKSTORE	YOUNG COLLEGIANS MATERIALS	STATE AND FEDERAL PROJECTS	5,487.50	R
115717	SANTA MONICA MUN BUS LINES	Bus passes for homeless student	STUDENT SERVICES	2,000.00	U
115747	SCHOLASTIC INC	INSTRUCTIONAL MATERIALS	STATE AND FEDERAL PROJECTS	12,909.81	R
115716	SCHOOL SPECIALTY INC	INCREASE PO	GRANT ELEMENTARY SCHOOL	27.00	U
112957	SEA CLEAR POOLS	LINCOLN POOL REPAIR	FACILITY MAINTENANCE	3,759.00	R
115297	SEHI COMPUTER PRODUCTS	TONER CARTRIDGES	SMASH SCHOOL	217.59	R
115592	SIMPLEXGRINNELL	ALARM REPAIRS	FACILITY MAINTENANCE	1,823.49	R
115653	SIR SPEEDY PRINTING #0245	PRINTING	JOHN ADAMS MIDDLE SCHOOL	76.02	R
115679	SIR SPEEDY PRINTING #0245	OPEN ORDER - PRINTING	BOE/SUPERINTENDENT	900.00	U
115685	SIR SPEEDY PRINTING #0245	OPEN ORDER FOR PRINT NEEDS	BOE/SUPERINTENDENT	900.00	U
115687	SIR SPEEDY PRINTING #0245	BUSINESS CARDS	HEALTH SERVICES	28.67	U
115695	SIR SPEEDY PRINTING #0245	OPEN ORDER/PRINTING	CHILD DEVELOPMENT CENTER	1,800.00	CD
115696	SIR SPEEDY PRINTING #0245	OPEN ORDER/PRINTING	CHILD DEVELOPMENT CENTER	2,500.00	CD
115726	SIR SPEEDY PRINTING #0245	PRINTING	STUDENT SERVICES	600.00	U
115727	SIR SPEEDY PRINTING #0245	PRINTING	STUDENT SERVICES	143.33	U
115602	SOUTHWEST SCHOOL SUPPLY	INCREASE PO 115302	GRANT ELEMENTARY SCHOOL	37.83	U
115149	STAPLES DIRECT	OFFICE SUPPLIES, PRINTER INK	STUDENT SERVICES	2,000.00	U
115626	STAPLES INC & SUBSIDIARIES INC	Office Supplies	OLYMPIC CONTINUATION SCHOOL	113.19	R
115666	STAPLES INC & SUBSIDIARIES INC	Open PO	INFORMATION SERVICES	1,000.00	U
115686	STAPLES INC & SUBSIDIARIES INC	OPEN PO / OFFICE SUPPLIES	INFORMATION SERVICES	1,000.00	U
115672	STAPLES/P-U/SANTA MONICA/WILSH	Increase PO 113429	EDISON ELEMENTARY SCHOOL	63.56	R
115649	STAPLES/P-U/VENICE/LINCOLN BL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	100.00	R
115603	SWRCB ACCOUNTING OFFICE	ANNUAL WATER BOARD STATE FEES	FACILITY MAINTENANCE	1,008.00	R
115645	TARGET SPECIALTY PRODUCTS	OPERATIONS GROUNDS SUPPLIES	FACILITY OPERATIONS	817.70	U
115690	TAYLOR ENGINEERING INC.	EDISON GAS LEAK	FACILITY MAINTENANCE	375.00	R
115721	TONOOKA, JANIS	MILEAGE REIMBURSEMENT	SPECIAL EDUCATION REGULAR YEAR	625.00	R
115654	TUMBLEWEED TRANSPORTATION	TRANSPORTATION: LMS-GRAMMY/USC	LINCOLN MIDDLE SCHOOL	420.00	R
115655	TUMBLEWEED TRANSPORTATION	TRANSPORTATION/LMS-MAGIC MTN	LINCOLN MIDDLE SCHOOL	2,900.00	R
114461	VERHAM, KAREN	MATERIALS FOR WEBSTERVILLE	WEBSTER ELEMENTARY SCHOOL	930.07	R
115615	WARREN DISTRIBUTING INC.	VEHICLE REPAIR	PURCHASING/WAREHOUSE	100.00	U
115644	WILSON & VALLELY TOWING	OPERATIONS VEHICLES TOWING	GROUNDS MAINTENANCE	131.00	R
115694	WISHING WELL MEDICAL	CHANGING NEEDS FOR SPECIAL ED	HEALTH SERVICES	89.38	R
115676	WOOD MFT, CRISTINA	ANGER MGMT WB (BLDGS/GROUNDS)	BUSINESS SERVICES	665.00	U
115624	WRABEL, CAROL	REIMBURSEMENT	STATE AND FEDERAL PROJECTS	75.00	R

** NEW PURCHASE ORDERS 141,822.04

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / PAT HO

RE: ACCEPTANCE OF GIFTS – 2010/2011

RECOMMENDATION NO. A.10

It is recommended that the Board of Education accept, with gratitude, checks and gifts totaling \$42,430.51 presented to the Santa Monica-Malibu Unified School District.

It is further recommended that the Fiscal/Business Services Office, in accordance with Educational Code §42602, be authorized to increase the 2010-2011 income and appropriations by \$42,430.51 as described on the attached listing.

This report details only gifts of cash or non-cash items. It includes all contributions made by individuals or companies and some of the contributions made by our PTA's. Contributions made by a PTA in the form of a commitment and then billed are reported in a different resource. A final report that compiles all gift, PTA and Equity Fund contributions is prepared and available annually.

COMMENT: The value of all non-cash gifts has been determined by the donors.

NOTE: The list of gifts is available on the District's website, www.smmusd.org.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

BOE Date: 05/19/11

Current Gifts and Donations 2010/2011

School/Site Account Number		Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 212.28 \$ 20.00	\$ - \$ -	\$ 406.00	Kroger Joanne Segal John Adams PTSA	General Suplies and Materials General Suplies and Materials Refrigerator for Student Store
Adult Education 11-90120-0-00000-00000-8699-090-0000					
Alternative (SMASH) 01-90120-0-00000-00000-8699-009-0000					
Cabrillo 01-90120-0-00000-00000-8699-017-0000	\$ 11,505.50 \$ 1,800.00 \$ 540.00	\$ - \$ - \$ -		Various Various Parents Various Parents	Field Trip General Supplies and Materials Field Trip Bus
CDS 12-90120-0-00000-00000-8699-070-0000					
Edison 01-90120-0-00000-00000-8699-001-0000					
Franklin 01-90120-0-00000-00000-8699-002-0000					
Grant 01-90120-0-00000-00000-8699-003-0000					
Lincoln 01-90120-0-00000-00000-8699-012-0000	\$ 2,125.00	\$ 375.00		Murry S. Gerber	General Supplies and Materials
Malibu High School 01-90120-0-00000-00000-8699-010-0000	\$ 590.00	\$ -		Various Students	General Supplies and Materials
McKinley 01-90120-0-00000-00000-8699-004-0000	\$ 900.00 \$ 285.00	\$ - \$ -		McKinley PTA Various	General Supplies and Materials General Supplies and Materials
Muir 01-90120-0-00000-00000-8699-005-0000	\$ 6,185.00	\$ -		Various	Field Trip

BOE Date: 05/19/11

Current Gifts and Donations 2010/2011

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
Olympic HS 01-90120-0-00000-00000-8699-014-0000					
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 60.00	\$ -		Young Champions Recreation Programs	General Supplies and Materials
Roosevelt 01-90120-0-00000-00000-8699-007-0000					
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 1,648.77	\$ 290.96		Wells Fargo Gift Matching Program	General Supplies and Materials
Barnum Hall 01-91150-0-00000-00000-8699-015-0000					
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000					
Webster 01-90120-0-00000-00000-8699-008-0000					
Others:					
Superintendent's Office 01-90120-0-00000-00000-8699-020-0000					
Educational Services 01-90120-0-00000-00000-8699-030-0000	\$ 15,487.00	\$ -		Edge Logistics Service Corp.	General Supplies and Materials
Student & Family Services 01-90120-0-00000-00000-8699-040-0000					
Special Education 01-90120-0-00000-00000-8699-044-0000					
Information Services 01-90120-0-00000-0000-8699-054-0000					
Food and Nutrition Services 01-90120-0-00000-0000-8699-057-0000					
District 01-90120-0-00000-00000-8699-090-0000					
TOTAL	\$ 41,358.55	\$ 665.96	\$ 406.00		

BOE Date: 05/19/11

Current Gifts and Donations 2010/2011

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 80,648.88	\$ 232.28	\$ -	\$ 80,881.16		\$ 406.00	\$ - \$ 406.00
Adult Education 11-90120-0-00000-00000-8699-090-0000				\$ -			\$ -
Alternative (SMASH) 01-90120-0-00000-00000-8699-009-0000				\$ -			\$ -
Cabrillo 01-90120-0-00000-00000-8699-017-0000	\$ 7,379.54	\$ 13,845.50	\$ -	\$ 21,225.04			\$ -
CDS 12-90120-0-00000-00000-8699-070-0000				\$ -	\$ 33,799.87		\$ 33,799.87
Edison 01-90120-0-00000-00000-8699-001-0000	\$ 6,009.61			\$ 6,009.61	\$ 1,250.00		\$ 1,250.00
Franklin 01-90120-0-00000-00000-8699-002-0000	\$ 3,165.67			\$ 3,165.67			\$ -
Grant 01-90120-0-00000-00000-8699-003-0000				\$ -			\$ -
Lincoln 01-90120-0-00000-00000-8699-012-0000	\$ 102,136.00	\$ 2,125.00	\$ 375.00	\$ 104,636.00			\$ -
Malibu High School 01-90120-0-00000-00000-8699-010-0000 <i>Malibu Shark Fund - Resource #90141</i>	\$ 49,199.68	\$ 590.00	\$ -	\$ 49,789.68			\$ -
McKinley 01-90120-0-00000-00000-8699-004-0000	\$ 21,145.20	\$ 1,185.00	\$ -	\$ 22,330.20			\$ -
Muir 01-90120-0-00000-00000-8699-005-0000	\$ 10,157.69	\$ 6,185.00	\$ -	\$ 16,342.69			\$ -
Olympic HS 01-90120-0-00000-00000-8699-014-0000	\$ 575.00			\$ 575.00			\$ -
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 23,357.92	\$ 60.00	\$ -	\$ 23,417.92			\$ -
Roosevelt 01-90120-0-00000-00000-8699-007-0000	\$ 551.70			\$ 551.70			\$ -
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 18,977.04	\$ 1,648.77	\$ 290.96	\$ 20,916.77			\$ -
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000				\$ -			\$ -
Webster 01-90120-0-00000-00000-8699-008-0000				\$ -			\$ -

BOE Date: 05/19/11

Current Gifts and Donations 2010/2011

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
ALL OTHER LOCATIONS:							
Superintendent's Office 01-90120-0-00000-00000-8699-020-0000				\$ -			\$ -
Educational Services 01-90120-0-00000-00000-8699-030-0000	\$ 74,051.56	\$ 15,487.00		\$ 89,538.56	\$ 7,039.50		\$ 7,039.50
Student and Family Support Services 01-90120-0-00000-00000-8699-041-0000				\$ -			\$ -
Special Education 01-90120-0-00000-00000-8699-044-0000				\$ -			\$ -
Information Services 01-90120-0-00000-00000-8699-054-0000				\$ -			\$ -
District 01-90120-00000-0-00000-8699-090-0000				\$ -			\$ -
Food & Nutrition Services 01-90120-0-00000-00000-8699-070-0000				\$ -			\$ -
TOTAL GIFTS	\$ 397,355.49	\$ 41,358.55	\$ 665.96	\$ 439,380.00	\$ 42,089.37	\$ 406.00	\$ 42,495.37
Total Cash Gifts for District:		\$ 41,358.55	Total Equity Fund 15% Contribs. \$ 665.96		Total In-Kind Gifts:	\$ 406.00	

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #29 FOR ADDITIONAL ARCHITECTURAL SERVICES FOR SWPPP – LINCOLN MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDING C, MODERNIZATION AND SITE IMPROVEMENTS PROJECT (PACKAGE 2) – DLR GROUP WWCOT – MEASURE BB

RECOMMENDATION NO. A.11

It is recommended that the Board of Education approve Contract Amendment #29 with DLR Group WWCOT to provide architectural and engineering services for the Storm Water Pollution Protection Plan at the Lincoln Middle School - Replacement of Classroom Building C, Modernization and Site Improvements - Replacement of Classroom Building C & Site Improvements Project (Package 2), in an amount of \$7,748 for a total contract amount of \$4,087,690.

Funding Information

Budgeted: Yes

Fund: 82

Source: Building Fund

Account Number: 82-00000-0-00000-85000-5802-012-2600

Description: Consultant Services

COMMENTS: All projects that disturb one or more acres of soil or disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity. The General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and filing of an NOI (Notice of Intent). The SWPPP and NOI have to be submitted and approved prior to start of construction site activities.

This Contract Amendment #29, for \$7,748, is for the additional engineering services to develop and complete the required SWPPP and NOI for the Lincoln Middle School - Replacement of Classroom Building C, Modernization and Site Improvements Project (Package 2). The revised contract total will be \$4,087,690.

The scope of work for the civil engineering team includes the following:

- Be the designated Qualified SWPPP Developer
- Complete the Notice of Intent (NOI)
- Perform the Project Risk Level Determination.
- Prepare a Site Map, including construction site boundaries, discharge location, site drainage areas, areas of soil disturbance, sampling locations, location of all erosion control BMPs, location of all post construction BMPs, and location of contractor fueling, storage, and wash down areas
- Prepare Storm Water Pollution Prevention Plan (SWPPP) manual
- Assist District in submitting and filing all the required documents via the new online system

ORIGINAL CONTRACT AMOUNT (Prog./Schematic Design)	\$ 936,032
CONTRACT AMENDMENT #1 (McKinley SDC, Roosevelt Preschool)	131,663
CONTRACT AMENDMENT #2 (Data Center)	99,420
CONTRACT AMENDMENT #3 (DD/CD/CA Lincoln)	2,195,078
CONTRACT AMENDMENT #4 (Roosevelt Revised Design)	70,435
CONTRACT AMENDMENT #5 (Data Center structural revisions)	6,925
CONTRACT AMENDMENT #6 (McKinley Safety Proj.)	168,697
CONTRACT AMENDMENT #7 (Lincoln MS Revised Design)	92,592
CONTRACT AMENDMENT #8 (Lincoln Fire Protection)	17,538
CONTRACT AMENDMENT #9 (Landscape and Planting Standards)	30,245
CONTRACT AMENDMENT #10 (Add'l Landscape Standards)	5,200
CONTRACT AMENDMENT #11 (PV Standard Specs)	26,100
CONTRACT AMENDMENT #12 (Lincoln Interim housing)	31,755
CONTRACT AMENDMENT #13 (Lincoln sewer line)	15,569
CONTRACT AMENDMENT #14 (Lincoln sprinklers at E)	54,933
CONTRACT AMENDMENT #15 (Data Center fire protection)	7,913
CONTRACT AMENDMENT #16 (Lincoln trash enclosure design)	14,989
CONTRACT AMENDMENT #17 (Lincoln additional hydrant)	3,989
CONTRACT AMENDMENT #18 (Data Center, Fire Protection, existing District Office building)	49,036
CONTRACT AMENDMENT #19 (Data Center, Previous DSA Application Certification Study)	13,181
CONTRACT AMENDMENT #20 (Lincoln carpet revisions)	2,264
CONTRACT AMENDMENT #21 (Lincoln hydrant revisions for relocatables)	5,100
CONTRACT AMENDMENT #22 (Data Center, Prev. DSA Appl. Certification Phase 2)	28,005
CONTRACT AMENDMENT #23 (Lincoln science lab revisions – new building)	11,198
CONTRACT AMENDMENT #24 (Lincoln science lab revisions - modernization)	11,198
CONTRACT AMENDMENT #25 (Data Center, Prev. DSA Appl. Certification Phase 2 Add)	13,077
CONTRACT AMENDMENT #26 (Lincoln, Previous DSA Application Certification Study)	24,440
CONTRACT AMENDMENT #27 (Data Center Design Revisions)	9,331
CONTRACT AMENDMENT #28 (Lincoln, Relocatables, site plan revisions, structural)	4,039
CONTRACT AMENDMENT #29 (Lincoln New Construction, SWPPP)	7,748
TOTAL CONTRACT AMOUNT	\$4,087,690

A Friday memorandum on this subject was provided on 04/08/11.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: ACKNOWLEDGE CHANGE OF COMPANY NAME FROM LFR, INC. TO
ARCADIS U.S., INC. – MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education acknowledge a company name change of a current consultant from LFR, Inc. to Arcadis U.S., Inc.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #1 FOR ADDITIONAL TESTING AND SPECIAL
INSPECTION SERVICES – MALIBU MIDDLE AND HIGH SCHOOL – SOIL
REMEDIATION PROJECT – BTC LABS – MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve Contract Amendment #1 with BTC Labs for Testing and Special Inspection Services at Malibu Middle and high School, Soil Remediation Project, in the amount of \$10,802 for a total contract amount of \$13,991.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-010-2600

Description: Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Testing and Special Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from BTC Labs to provide Testing and Special Inspection Services for the Soil Remediation Project at Malibu Middle and High School, in preparation for DSA Application No. 03-113456.

This Contract Amendment #1, for \$10,802, is for Testing and Special Inspection Services for Malibu Middle and High School, Soil Remediation Project. The revised contract total will be \$13,991. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Cabrillo, DSA A#03-113115)	\$ 3,189
<u>Contract Amendment #1 (Malibu Soil, DSA A#03-113456)</u>	<u>10,802</u>
TOTAL CONTRACT AMOUNT	\$13,991

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #2 FOR ADDITIONAL TESTING AND SPECIAL
INSPECTION SERVICES – POINT DUME ELEMENTARY SCHOOL – GAS
LINE PROJECT – BTC LABS – MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education approve Contract Amendment #2 with BTC Labs for Testing and Special Inspection Services at Point Dume Elementary School, Gas Line Project, in the amount of \$5,364 for a total contract amount of \$19,355.

Funding Information

Budgeted: Yes
Fund: 21
Source: State School Building Fund
Account Number: 21-00000-0-00000-85000-5802-019-2600
Description: Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Testing and Special Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from BTC Labs to provide Testing and Special Inspection Services for the Gas Line Project at Point Dume Elementary School, DSA Application No. 03-112541.

This Contract Amendment #2, for \$5,364, is for Testing and Special Inspection Services for Point Dume Elementary School, Gas Line Project. The revised contract total will be \$19,355. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Cabrillo, DSA A#03-113115)	\$ 3,189
Contract Amendment #1 (Malibu Soil, DSA A#03-113456) (A.13)	10,802
<u>Contract Amendment #2 (Pt. Dume Gas Line, DSA A#03-112541)</u>	<u>5,364</u>
TOTAL CONTRACT AMOUNT	\$19,355

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/2011

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #3 FOR ADDITIONAL TESTING AND SPECIAL
INSPECTION SERVICES – SANTA MONICA HIGH SCHOOL – DSA
COMPLIANCE PROJECT – BTC LABS – MEASURE BB

RECOMMENDATION NO. A.15

It is recommended that the Board of Education approve Contract Amendment #3 with BTC Labs for Testing and Special Inspection Services at Santa Monica High School, DSA Compliance Project, in the amount of \$1,682 for a total contract amount of \$21,037.

Funding Information

Budgeted: Yes
Fund: 21
Source: State School Building Fund
Account Number: 21-00000-0-00000-85000-5802-015-2600
Description: Independent Contractor/Consultant

Comments: The Division of State Architect (DSA) is mandating that all previous applications on a project scope area be certified before new approval is issued. It has been determined that Santa Monica High School has a prior application on file with DSA (A# 03-101212) which has been closed without certification. District staff requested a proposal from BTC Labs to provide Testing and Special Inspection Services for the DSA Compliance Project at Santa Monica High School, DSA Application No. 03-101212.

This Contract Amendment #3, for \$1,682, is for Testing and Special Inspection Services for Santa Monica High School, DSA Compliance Project. The revised contract total will be \$21,037. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Cabrillo, DSA A#03-113115)	\$ 3,189
Contract Amendment #1 (Malibu Soil, DSA A#03-113456) (A.13)	10,802
Contract Amendment #2 (Pt. Dume Gas Line, DSA A#03-112541) (A.14)	5,364
<u>Contract Amendment #3 (Samohi DSA Compliance DSA A#03-101212)</u>	<u>1,682</u>
TOTAL CONTRACT AMOUNT	\$21,037

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: AWARD OF BID #10.37.BB-03-113284 – MALIBU HIGH SCHOOL CAMPUS
WIDE FIRE ALARM SYSTEM PROJECT – LOWEST RESPONSIVE
RESPONSIBLE BIDDER – MEASURE BB

RECOMMENDATION NO. A.16

It is recommended that the Board of Education award Bid #10.37.BB-03-113284, Malibu High School, Campus Wide Fire Alarm System Project, to the lowest responsive responsible bidder, up to a not to exceed amount of \$1,600,000.

Funding Information

Budgeted: Yes
Fund: 21
Source: Building Fund
Account Number: 21-00000-0-00000-85000-6200-010-2600
Project: Fire Alarm 21-0-010-04
Description: Construction Contract
DSA #: 03-113284

COMMENTS: The bidding opportunity for the Malibu High School, Campus Wide Fire Alarm System Project was advertised in the Santa Monica Daily Press and The Daily Breeze on 03/28/2011 and 04/04/2011; and in the Malibu Surfside News on 3/31/2011 and 04/07/2011. Bid solicitations were emailed, faxed, and published in The Bluebook of Construction and McGraw Hill Dodge Report. Direct invitations were solicited to multiple local and non-local contractors. Thirty-five (35) contractors attended the mandatory job walk held on April 7, 2011. Sixteen (16) contractors completed the prequalification process and were approved to bid.

Eleven (11) contractors submitted bids, on May 3, 2011:

01.	Moment Construction	\$1,456,700
02.	First Fire Systems	\$1,460,000
03.	SBS Corporation	\$1,467,594
04.	Oilfield Electric	\$1,482,000
05.	AVA Builders	\$1,538,000
06.	K-Son Construction	\$1,595,000
07.	Fast Track Construction	\$1,614,500
08.	Shefir Construction	\$1,642,000
09.	Axis Construction	\$1,670,000
10.	Alfa 26 Construction	\$1,772,000
11.	Technion Contractors	\$1,971,100

(Continued on next page)

The team is currently evaluating the bids listed above. We intend to complete the award and mobilization in time to start work at the site as soon as school is out. To facilitate that schedule, we are requesting that the Board pre-approve the contract award. Notice to Proceed will be issued to the lowest responsive responsible bidder so the project schedule is not impacted.

This project is part of the Malibu High School Campus Improvement Project. The pre-bid estimated construction cost for this project was \$1,950,000.

An item will be presented at the June 2, 2011 BOE meeting ratifying the contract award to the lowest responsive responsible bidder.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/2011

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #1 FOR ADDITIONAL INSPECTION SERVICES –
MC KINLEY ELEMENTARY SCHOOL – ENTRY AND MAIN OFFICE
RECONFIGURATION – STEPHEN PAYTE DSA INSPECTIONS, INC. –
MEASURE BB

RECOMMENDATION NO. A.17

It is recommended that the Board of Education approve Contract Amendment #1 with Stephen Payte DSA Inspections, Inc. for Inspection Services at McKinley Elementary School, Entry and Main Office Reconfiguration Project, in the amount of \$23,120 for a total contract amount of \$205,360.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-004-2600

Description: Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from Stephen Payte DSA Inspections, Inc. to provide Inspection Services for Entry and Main Office Reconfiguration at the McKinley Elementary School Project, DSA Application No. 03-113674.

This Contract Amendment #1, for \$23,120, Inspection Services for McKinley Elementary School Project, Entry and Main Office Reconfiguration. The revised contract total will be \$205,360. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Malibu Fire Alarm Replacement DSA #03-113284) (A.19)	\$182,240
<u>Contract Amendment #1 (McKinley Entry & Office DSA A#03-113674)</u>	<u>23,120</u>
TOTAL CONTRACT AMOUNT	\$205,360

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #6 FOR ADDITIONAL TESTING AND SPECIAL INSPECTION SERVICES – MC KINLEY ELEMENTARY SCHOOL – ENTRY AND MAIN OFFICE RECONFIGURATION PROJECT - MTGL, INC. – MEASURE BB

RECOMMENDATION NO. A.18

It is recommended that the Board of Education approve Contract Amendment #6 with MTGL, Inc. for Additional Testing and Special Inspection Services at McKinley Elementary School, Entry and Main Office Reconfiguration Project, in the amount of \$5,650 for a total contract amount of \$19,818.

Funding Information

Budgeted: Yes
Fund: 21
Source: State School Building Fund
Account Number: 21-00000-0-00000-85000-5802-004-2600
Description: Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Testing and Special Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from MTGL, Inc. to provide Testing and Special Inspection Services for Entry and Main Office Reconfiguration at the McKinley Elementary School Project, DSA Application No. 03-113674.

This Contract Amendment #6, for \$5,650, is for Testing and Special Inspection Services for McKinley Elementary School Project, Entry and Main Office Reconfiguration. The revised contract total will be \$19,818. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Grant ES, DSA A#03-112845)	\$5,800
Contract Amendment #1 (Rogers, DSA A#03-112998)	1,250
Contract Amendment #2 (Rogers Relo's, ELA, DSA A#03-113389)	4,600
Contract Amendment #3 (Rogers-DSA Compliance, DSA A#03-59916)	1,200
Contract Amendment #4 (Grant –Main Entry, DSA A#03-112845)	468
Contract Amendment #5 (ELA Relo's, DSA A#03-113389)	850
Contract Amendment #6 (McKinley Office & Entry DSA A# 03-113674)	5650
TOTAL CONTRACT AMOUNT	\$19,818

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: AWARD OF CONTRACT FOR INSPECTION SERVICES – MALIBU MIDDLE
AND HIGH SCHOOL – CAMPUS-WIDE FIRE ALARM REPLACEMENT
PROJECT – STEPHEN PAYTE DSA INSPECTIONS, INC. – MEASURE BB

RECOMMENDATION NO. A.19

It is recommended that the Board of Education award Inspection Services to Steven Payte DSA Inspection, Inc. at Malibu Middle and High School for the Campus-Wide Fire Alarm Replacement Project, in the amount of \$182,240.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-010-2600

Description: Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff solicited proposals from the sixteen (16) prequalified IOR firms. Steven Payte DSA Inspections, Inc. is recommended to provide Inspection Services for the Malibu Middle and High School Campus-Wide Fire Alarm Replacement Project, DSA Application No. 03-113284.

This award of Contract, for \$182,240, is for Inspection Services for the Malibu Middle and High School Campus Wide Fire Alarm Replacement Project, with a construction value of \$1.8 Million. This cost was anticipated in the budget.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART A. SAM

RE: AWARD OF BID #10.42.BB – MALIBU HIGH SCHOOL, SOIL REMEDIATION
PROJECT – LOWEST RESPONSIVE RESPONSIBLE BIDDER – MEASURE BB

RECOMMENDATION NO. A.20

It is recommended that the Board of Education award Bid #10.42.BB, Malibu High School, Soil Remediation Project to the lowest responsive responsible bidder, up to a not to exceed amount of \$399,900.

Funding Information

Budgeted: Yes
Fund: 21
Source: Building Fund
Account Number: 21-00000-0-00000-85000-6200-010-2600
Project: Soil Remediation 21-0-010-06
Description: Construction Contract

COMMENTS: The bidding opportunity for the Malibu High School, Soil Remediation Project was advertised in the Santa Monica Daily Press and The Daily Breeze on 04/09/2011 and 04/16/2011; and in the Malibu Surfside News on 04/14/2011. Bid solicitations were emailed, faxed, and published in The Bluebook of Construction and McGraw Hill Dodge Report. Direct invitations were solicited to multiple local and non-local contractors. Three (3) contractors attended the mandatory job walk held on April 20, 2011. Two contractors completed the prequalification process and were approved to bid.

Two (2) contractors submitted bids, on May 10, 2011:

01. Innovative Construction Solutions	\$360,997
02. Miller Environmental	\$399,900

The team is currently evaluating the bids listed above. We intend to complete the award and mobilization in time to start work at the site as soon as school is out. To facilitate that schedule, we are requesting that the Board pre-approve the contract award. Notice to Proceed will be issued to the lowest responsive responsible bidder so the project schedule is not impacted.

This project is part of the Malibu High School Campus Improvement Project. The pre-bid estimated construction cost for this project was \$500,000.

An item will be presented at the June 2, 2011 BOE meeting ratifying the contract award to the lowest responsive responsible bidder.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AUTHORIZATION TO USE COOPERATIVE PURCHASING NETWORK (TCPN)
CONTRACT TO THYSSENKRUPP ELEVATOR CORPORATION FOR
ELEVATOR SERVICES – CONTRACT NO. TCPN-R5042 – MEASURE BB

RECOMMENDATION NO. A.21

It is recommended that the Board of Education authorize the District to use The Cooperative Purchasing Network (TCPN) contract awarded to ThyssenKrupp Elevator Company, to purchases elevator equipment and appropriate services specified under contract # TCPN–R5042 as applicable to the District's Maintenance Department and Measure BB project requirements.

It is further recommended that the District award ThyssenKrupp Elevator Corporation a contract not to exceed \$103,428 to replace equipment and upgrade software as necessary to bring the 3 elevators at Malibu HS up to current California Elevator Codes (Group 4).

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

Account Number: 21-00000-0-00000-85000-6200-010-2600

Project: Malibu Fire Alarm 04

Description: Construction Contract

COMMENT: The TCPN contract allows for elevator service and repair purchases and associated services necessary to install the equipment from design to start-up, including maintenance and training at the lowest offered pricing. The contract period is from September 30, 2010 to September 30, 2015.

By using the contract, it will allow District projects to be completed in as expeditious manner as possible, without having to publically bid the equipment and services for each individual project. Furthermore, by using this direct pricing structure, it eliminates going through a General Contractor who would mark-up the products and services, charging retail pricing instead of the direct contract rates, thus saving the District considerable money.

The Los Angeles County Department of Ed allows Districts to “piggy back” off of these contracts with no restrictions other than standard Public Works contracting requirements.

The upgrade of the three elevators at Malibu High School is needed to support the Measure BB Campus Modernization Project. Current code requires that the new fire alarm system be connected to the elevator controls to allow the fire alarm system to operate specific safety operations on the elevator when the fire alarm system is triggered.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: CONTRACT AMENDMENT #23 FOR SOIL REMEDIATION MONITORING –
MALIBU HIGH SCHOOL, CAMPUS IMPROVEMENT PROJECT – ARCADIS –
MEASURE BB

RECOMMENDATION NO. A.22

It is recommended that the Board of Education approve Contract Amendment #23 to Arcadis U.S., Inc. not to exceed the amount of \$126,291 for a total contract amount of \$758,065.

Funding Information:

Budgeted: Yes
Fund: 21
Source: State School Building Fund
Account Number: 21-00000-0-00000-85000-5802-010-2600
Project: Malibu HS, Soil Remediation Project
Description: Entitlement Services, Site Environmentalist

COMMENTS: In preparation for the Measure BB projects at Malibu High School, approximately 1,200 cubic yards of soil must be remediated at the site. This contract amendment will provide for Arcadis to monitor this remediation work as defined in the Removal Action Workplan (RAW) they have prepared for the project. This work will be performed in an accelerated schedule over the summer school break. This requires working in multiple areas, additional monitoring staff and short turn around sample testing.

Their scope of services includes:

- Soil testing during excavation to verify the limits of the remediation.
- Air monitoring and sampling.
- Sampling of stockpiled materials prior to export.
- Verification of export locations and correct trucking procedures
- RAW Completion Report
- Backfill Material Sampling

This Contract Amendment #23 is in the amount of \$126,291 for a revised contract amount of \$758,065.

(Continued on next page)

ORIGINAL CONTRACT AMOUNT	\$ 54,300
Contract Amendment #1 (Pipe Risk Eval.,ELA)	\$ 26,686
Contract Amendment #2 (Env. Assessment, Lincoln)	\$ 50,879
Contract Amendment #3 (Env. Assessment, 4 sites)	\$162,335
Contract Amendment #4 (Pipe Risk Phase 2, ELA)	\$ 32,392
Contract Amendment #5 (Contract Extension)	\$0
Contract Amendment #6 (Malibu, SAMOHI)	\$ 4,200
Contract Amendment #7 (Pipe Risk Stage 2, SAMOHI)	\$ 6,770
Contract Amendment #8 (Removal Action Plan,ELA)	\$ 21,010
Contract Amendment #9 (Sampling Lincoln)	\$ 16,808
Contract Amendment #10 (Sampling Adams)	\$ 21,608
Contract Amendment #11 (sampling RAW Adams)	\$ 31,970
Contract Amendment #12 (samp. RAW Lincoln)	\$25,320
Contract Amendment #13 (Revised Phase 1, Malibu)	\$ 860
Contract Amendment #14 (Edison, RAW, Bid assist)	\$ 5,850
Contract Amendment #15 (Edison, RAW, Monitoring) (not approved)	\$0
Contract Amendment #16 (Adams, RAW, Bid assist, monitoring)	\$5,000
Contract Amendment #17 (Lincoln, RAW, Bid assist, monitoring)	\$3,800
Contract Amendment #18 (Malibu, sampling, RAW)	\$34,870
Contract Amendment #19 (Adams, add'l sampling)	\$8,550
Contract Amendment #20 (Edison, Virginia Ave., Remed. Monitoring)	\$69,555
Contract Amendment #21 (Adams, Pkg. 2b, Remed. Monitoring)	\$44,011
Contract Amendment #22 (Malibu HS, Bid Docs.)	\$5,000
Contract Amendment #23 (Malibu HS, Bid Docs.)	\$126,291
TOTAL CONTRACT AMOUNT	\$758,065

A Friday Memo will accompany this item.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: ACCEPT WORK AS COMPLETED FOR EMERGENCY RESOLUTION NO. 10-17
– SMASH/MUIR FACILITY GAS LINE REPAIR– ARB, INC. – MEASURE BB

RECOMMENDATION NO. A.23

It is recommended that the Board of Education accept as completed all work contracted for Emergency Resolution #10-17, SMASH/Muir – Gas Line Repair, to ARB, Inc. with the final contract amount of \$96,736.93.

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

Account Number: 21-00000-0-00000-85000-6200-016-2600

Description: Building Improvement

COMMENTS: The contract with ARB, Inc. Emergency Resolution No. 10-17, SMASH/Muir – Gas Line Repair, has been completed. In order to facilitate the release of final payment, a Notice of Completion must be filed for thirty-five (35) days with the County of Los Angeles pending approval by the Board of Education.

<u>Original Resolution Amount NTE:</u>	<u>\$100,000.00</u>
Total Contract Amount:	\$96,736.93

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: ACCEPT THE TERMS OF THE MEMORANDUM OF UNDERSTANDING TO CONTRACT FOR BID #10.14.BB-03-112630 GREEN FRINGE & 03-113013 RELOCATABLES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS PROJECT – SITE IMPROVEMENTS AT PERIMETER OF ATHLETIC FIELDS (GREEN FRINGE) (PACKAGE 1) (03-112630) & RELOCATABLES (PACKAGE 2A) (03-113013) – R&H INDUSTRIES DBA BEST ELECTRIC – MEASURE BB

RECOMMENDATION NO. A.24

It is recommended that the Board of Education accept the terms of the Memorandum of Understanding (MOU) between the Santa Monica Malibu Unified School District and R&H Industries, dba Best Electric, contracted for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School – Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements Project - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A), in the net credit amount of (\$60,000.00), for a revised total contract amount of \$976,462.32.

Funding Information:

Budgeted:	NA (Credit)
Fund:	82
Source:	Building Fund
Account Numbers:	82-00000-0-00000-85000-6200-011-2600
Description:	Construction Services
DSA #:	03-112630, 03-113013
Description:	Building Improvement

COMMENTS: At the June 3, 2010, meeting of the Board of Education, Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A) project was approved to R&H Industries dba Best Electric, in the amount of \$1,029,250. The contract amount included \$639,050 for Green Fringe (Package 1) and \$390,200 for Relocatables (Package 2A). The change orders for the two packages were processed separately to align with their individual DSA project numbers.

At their January 13, 2011, meeting the Board of Education approved Change Order GF 01 for \$24,717.44, and Change Order RELO 01 for \$20,748.28.

At their April 6, 2011, meeting the Board of Education approved Change Order GF 02 for (\$42,528.99), and Change Order RELO 02 for \$4,275.59.

Original Contract Amount:	\$1,029,250.00
Previous Change Order No. GF 01:	\$24,717.44
Previous Change Order No. RELO 01:	\$20,748.28
Previous Change Order No. GF 02 (credit):	(\$42,528.99)
Previous Change Order No. RELO 02:	\$4,275.59
Current Contract Amount:	\$1,036,462.32

Original Contract Duration	124 days
Previous Change Order	0 days
Current Contract Duration	124 days

The original contract Substantial Completion date was scheduled for September 23, 2010. However Substantial Completion was not achieved until February 23, 2011. The additional expenses incurred by the District due to delayed completion, are associated with the extended hours for Inspection and Construction Management services, resulting in costs of \$56,505.85. In addition, there is a credit for the costs for resin pavement replacement in the amount of \$5,144.79. Together, these total \$61,650.64. Through a Memorandum of Understanding (MOU) between the District and Best Electric, signed on April 28, 2011, Best Electric has proposed to settle this issue by crediting the District a sum of \$65,535.00, to cover the District's expenses and \$5,535.00 of additional work performed by Best. Liquidated Damages were not assessed because the delayed completion of the project did not impact the site programming of the District or other site users. As part of the MOU, all parties mutually agree that from February 23, 2011 until April 28, 2011, and until the Notice of Completion is issued by the District, for administrative purposes no further claims of expenses or damages shall be incurred during this administrative closeout period.

Current Contract Amount:	\$1,036,462.32
Additional Work Performed by Contractor:	\$5,535.00
MOU Settlement Agreement (credit):	(\$65,535.00)
Total Revised Contract Amount:	\$976,462.32

We recommend the Board of Education accept the terms of this settlement agreement.

A Friday memorandum will accompany this item.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: APPROVE AMENDMENT TO CONTRACT FOR BID #10.14.BB-03-112630 GREEN FRINGE & 03-113013 RELOCATABLES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS PROJECT – SITE IMPROVEMENTS AT PERIMETER OF ATHLETIC FIELDS (GREEN FRINGE) (PACKAGE 1) (03-112630) & RELOCATABLES (PACKAGE 2A) (03-113013) – R&H INDUSTRIES DBA BEST ELECTRIC – MEASURE BB

RECOMMENDATION NO. A.25

It is recommended that the Board of Education authorize Change Order No. GF 03 for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School – Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements Project - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A), R&H Industries dba Best Electric in the credit amount of (\$30,000.00) for a total contract amount of \$1,006,462.32.

Funding Information:

Budgeted:	NA (Credit)
Fund:	82
Source:	Building Fund
Account Numbers:	82-00000-0-00000-85000-6200-011-2600
Description:	Construction Services
DSA #:	03-112630, 03-113013
Description:	Building Improvement

COMMENTS: At the June 3, 2010, meeting of the Board of Education, Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A) project was approved to R&H Industries dba Best Electric, in the amount of \$1,029,250. The contract amount included \$639,050 for Green Fringe (Package 1) and \$390,200 for Relocatables (Package 2A). The change orders for the two packages are being processed separately to align with their individual DSA project numbers.

At their January 13, 2011 meeting the Board of Education approved Change Order GF 01 for \$24,717.44. At their April 6, 2011 meeting the Board of Education approved deductive Change Order GF 02 for (\$42,528.99).

In a separate item, a Memorandum of Understanding (MOU) summarizing a settlement agreement with Best Electric was presented to the Board of Education for approval. The MOU results in change order GF 03 in the credit amount of (\$30,000).

Original Contract Amount:	\$639,050.00
Previous Change Orders (GF 01 and GF 02)	(\$17,811.55)
Current Contract Amount:	\$621,238.45

Change Order No. GF 03 (credit):	(\$30,000.00)
Revised Contract Amount:	\$591,238.45

Original Contract Duration	124 days
Previous Change Order	0 days
Current Contract Duration	124 days
Change Order No. GF 03:	0 days
Revised Contract Duration	124 days

The change order breakdown is summarized as below:

1. Unforeseen changes	\$0
2. Required additional scope	\$0
3. District directive	\$0
4. Credit	(\$30,000.00)
Change Order No. GF 03:	(\$30,000.00)

The detailed breakdown for each change order is listed below:

1. PCO GF 17 (MOU)	(\$30,000.00)
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This Change Order No. GF 03, for (\$30,000.00) (credit) reflects the MOU with Best Electric, for the John Adams Middle School – Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A). The revised contract total will be \$621,238.45 for Green Fringe (Package 1); the total revised contract total will be \$1,006,462.32. The contract duration will remain unchanged.

Original Contract Amount:	\$639,050.00
Previous Change Orders No. GF 01 & GF 02	(\$17,811.55)
Change Order No. GF 03:	(\$30,000.00)
Total Contract Amount (Green Fringe):	\$591,238.45
Current Contract Amount (Relocatables):	\$415,223.87
Total Contract Amount	\$1,006,462.32

We recommend the Board of Education approve this change order.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: APPROVE AMENDMENT TO CONTRACT FOR BID #10.14.BB-03-112630 GREEN FRINGE & 03-113013 RELOCATABLES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS PROJECT – SITE IMPROVEMENTS AT PERIMETER OF ATHLETIC FIELDS (GREEN FRINGE) (PACKAGE 1) (03-112630) & RELOCATABLES (PACKAGE 2A) (03-113013) – R&H INDUSTRIES DBA BEST ELECTRIC – MEASURE BB

RECOMMENDATION NO. A.26

It is recommended that the Board of Education authorize Change Order No. RELO 03 for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School – Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements Project - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A), R&H Industries dba Best Electric in the credit amount of (\$30,000.00) for a total contract amount of \$976,462.32.

Funding Information:

Budgeted:	NA (Credit)
Fund:	82
Source:	Building Fund
Account Numbers:	82-00000-0-00000-85000-6200-011-2600
Description:	Construction Services
DSA #:	03-112630, 03-113013
Description:	Building Improvement

COMMENTS: At the June 3, 2010, meeting of the Board of Education, Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A) project was approved to R&H Industries dba Best Electric, in the amount of \$1,029,250. The contract amount included \$639,050 for Green Fringe (Package 1) and \$390,200 for Relocatables (Package 2A). The change orders for the two packages are being processed separately to align with their individual DSA project numbers.

At their January 13, 2011 meeting the Board of Education approved Change Order RELO 01 for \$20,748.28. At their April 06, 2011 meeting the Board of Education approved Change Order RELO 02 for \$4,275.59.

In a separate item, a Memorandum of Understanding (MOU) summarizing a settlement agreement with Best Electric was presented to the Board of Education for approval. The MOU results in change order RELO 03 in the credit amount of (\$30,000).

Original Contract Amount:	\$390,200.00
<u>Previous Change Order (RELO 01 and 02):</u>	<u>\$25,023.87</u>

<u>Change Order No. RELO 03:</u>	<u>(\$30,000.00)</u>
Revised Contract Amount:	\$385,223.87

Original Contract Duration	124 days
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<u>Previous Change Order:</u>	<u>0 days</u>
Total duration	124 days
<u>Change Order No. RELO 03:</u>	<u>0 days</u>
Revised Contract Duration	124 days

The change order breakdown is summarized as below:

1. Unforeseen changes	\$0
2. Required additional scope	\$0
3. District directive	\$0
4. Credit	(\$30,000.00)
Change Order No. RELO 03:	(\$30,000.00)

The detailed breakdown for each change order is listed below:

2. PCO No. RELO 08 (MOU)	(\$30,000.00)
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This Change Order No. RELO 03, for (\$30,000.00) (credit) reflects the MOU with Best Electric for the John Adams Middle School - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A). The revised contract total will be \$385,223.87 for Relocatables (Package 2A); the total revised contract total will be \$976,462.32. The contract duration will remain unchanged.

Current Contract Amount (Relocatables):	\$415,223.87
<u>Change Order No. RELO 03:</u>	<u>(\$30,000.00)</u>
Total Contract Amount (Relocatables):	\$385,223.87
Current Contract Amount (Green Fringe):	\$591,238.45
Total Contract Amount	\$976,462.32

We recommend the Board of Education approve this change order.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/2011

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: ACCEPT WORK AS COMPLETED FOR BID #10.14.BB-03-112630 GREEN FRINGE & 03-113013 RELOCATABLES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS PROJECT - SITE IMPROVEMENTS AT PERIMETER OF ATHLETIC FIELDS (GREEN FRINGE) (PACKAGE 1) (03-112630) & RELOCATABLES (PACKAGE 2A) (03-113013) – R&H INDUSTRIES DBA BEST ELECTRIC – MEASURE BB

RECOMMENDATION NO. A.27

It is recommended that the Board of Education accept as completed all work contracted for Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School – Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements Project - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A), to R&H Industries dba Best Electric, with the final contract amount of \$976,462.32.

Funding Information

Budgeted: NA (Credit)
Fund: 82
Source: Building Fund
Account Number: 82-00000-0-00000-85000-6200-011-2600
Description: Construction Services
DSA #: 03-112630, 03-113013
Description: Building Improvement

COMMENTS: The contract with Best Electric, Bid #10.14.BB-03-112630 & 03-113013, John Adams Middle School – Green Fringe Pkg 1 & Relocatables Pkg. 2A, has been completed. In order to facilitate the release of the retention being held by the District, a Notice of Completion must be filed for thirty-five (35) days with the County of Los Angeles pending approval by the Board of Education.

Beneficial Occupancy for Relocatables (Package 2A) was established on September 7, 2010, which is the effective warranty commencement date for Package 2A.

Substantial Completion for Relocatables and Green Fringe was established as February 23, 2011, which is also the effective warranty commencement date for Green Fringe (Package 1). All parties mutually agree that from February 23, 2011 until April 28, 2011, and until the Notice of Completion is issued by the District, for administrative purposes no further claims of expenses or damages shall be incurred during this administrative closeout period.

Original Contract Amount:	\$1,029,250.00
COs GF01, 02, 03: RELO 01, 02, 03:	(\$52,787.68)
Total Revised Contract Amount:	<u>\$976,462.32</u>

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / DEBRA MOORE WASHINGTON

RE: CERTIFICATED PERSONNEL – Elections, Separations

RECOMMENDATION NO. A.28

Unless otherwise noted, all items are included in the 2010/2011 approved budget.

ADDITIONAL ASSIGNMENTS

CHILD DEVELOPMENT SERVICES

Jeffries, Jane	5 hrs @\$40.46	10/16/10	Est Hrly/\$202
Morn, Lora	10 hrs @\$40.46	10/2/10-10/23/10	<u>Est Hrly/\$405</u>
TOTAL ESTABLISHED HOURLY			\$607

Comment: Teach CPR to CDS Staff
12-Head Start – Basic

EDUCATIONAL SERVICES

Check, Laura	6 hrs @\$40.46	4/30/11	Est Hrly/\$243
Roman, Bertha	6 hrs @\$40.46	4/30/11	<u>Est Hrly/\$243</u>
TOTAL ESTABLISHED HOURLY			\$486

Comment: Middle School Initiative Planning Meeting
01-IASA: Title II Teacher Quality

MCKINLEY ELEMENTARY SCHOOL

Langsdale, Jennifer	20 hrs @\$40.46	4/1/11-6/22/11	<u>Est Hrly/\$809</u>
TOTAL ESTABLISHED HOURLY			\$809

Comment: After School Homework Support
01-IASA: Title I Basic-LW Inc/Neg

SPECIAL EDUCATION

Friedman, Nancy	10 days @\$492.79	7/1/10-6/30/11	Own Daily/\$4,928
Hoover, Michael	3 days @\$384.38	7/1/10-6/30/11	<u>Own Daily/\$1,153</u>
TOTAL OWN DAILY			\$6,081

Comment: New Assessments
01-Special Education

HOURLY TEACHERS

ADULT EDUCATION

DeMello, Flavia	6 hrs @\$40.46	12/6/10-6/18/11	<u>Est Hrly/\$243</u>
TOTAL ESTABLISHED HOURLY			\$243

Comment: Staff Development
11-231: ABE/ESL/ESL Ctzn, VESL/VABE -85%
11-Adult Ed: Priority 5, GED/SECND -15%

ADDITIONAL ASSIGNMENT – EXTRA DUTY UNITS

EDISON ELEMENTARY SCHOOL

Name	Rate	Assignment	Effective	Not to Exceed
Morales, Carlos	2 EDU	5 th Grade Trip	9/10-6/11	\$512
Murcia, Constanza	2 EDU	5 th Grade Trip	9/10-6/11	\$512
Naranjo, Rocio	2 EDU	5 th Grade Trip	9/10-6/11	\$512
TOTAL EDUS				\$1,536

MCKINLEY ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
Cervantes, Hayde	5 EDU	Catalina Trip	9/10-6/11	\$1,280
Langsdale, Jennifer	5 EDU	Catalina Trip	9/10-6/11	<u>\$1,280</u>
			TOTAL EDUS	\$2,560

MUIR ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
Benitez, Lourdes	6 EDU	Science Camp-Coord	9/10-6/11	\$1,536
Brizuela, Jose	4 EDU	Science Camp	9/10-6/11	<u>\$1,024</u>
			TOTAL EDUS	\$2,560

ROGERS ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
Burrows, Erin	2 EDU	Science Camp	9/10-6/11	\$512
Contreras, Sitara	2 EDU	Science Camp	9/10-6/11	\$512
Schneider, Kirsten	2 EDU	Science Camp	9/10-6/11	\$512
Simon, Laura	2 EDU	Student Council	9/10-6/11	\$512
Witt, Carl	2 EDU	Science Camp	9/10-6/11	<u>\$512</u>
			TOTAL EDUS	\$2,560

ROOSEVELT ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
DeGregorio, Dana	2 EDU	Astro Camp	9/10-6/11	\$ 512
Levy, Amy	2 EDU	Astro Camp	9/10-6/11	\$ 512
Light, Lindsay	2 EDU	Astro Camp	9/10-6/11	\$ 512
Madnick, Sarah	4 EDU	Astro Camp/Student Counc	9/10-6/11	\$1,024
Ostrom, Michael	2 EDU	Astro Camp	9/10-6/11	\$ 512
Wechselberger, Amy	2 EDU	Astro Camp	9/10-6/11	<u>\$ 512</u>
			TOTAL EDUS	\$3,584

SMASH

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
Barba-Castro, Graciela	1 EDU	Student/Family Nites	9/10-6/11	\$256
Berens, Candis	1 EDU	Student Art Fair	9/10-6/11	\$256
Haendel, Erin	2 EDU	Student Council	9/10-6/11	\$512
Holland, Kurt	1 EDU	Outdoor Learning	9/10-6/11	\$256
Mendinueto, Darwin	1 EDU	Outdoor Learning	9/10-6/11	\$256
Mugalian, Tamara	2 EDU	Student Council	9/10-6/11	\$512
Mugalian, Tamara	1 EDU	Student Art Fair	9/10-6/11	\$256
Sherman, Laura	1 EDU	Student/Family Nites	9/10-6/11	\$256
Wold, Jayme	2 EDU	Student Council	9/10-6/11	\$512
Wold, Jayme	1 EDU	Outdoor Learning	9/10-6/11	<u>\$256</u>
			TOTAL EDUS	\$3,328

MALIBU HIGH SCHOOL – 2nd Semester Middle School Academics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	Not to <u>Exceed</u>
Andino, Melisa	7 EDU	Student Activities	1/11-6/11	\$1,792
Bixler, William	2 EDU	Band	1/11-6/11	\$ 512
Cowgill, Elizabeth	1 EDU	Scholarship Advisor	1/11-6/11	\$ 256
Cowgill, Elizabeth	3 EDU	Student Activities	1/11-6/11	\$ 768
Flohr, Elisabeth	6 EDU	Student Activities	1/11-6/11	\$1,536
Jones, Julie	4 EDU	Student Activities	1/11-6/11	\$1,024
Lambert, Lisa	6 EDU	Student Activities	1/11-6/11	\$1,536
Lapajne, Katherine	5 EDU	Student Activities	1/11-6/11	\$1,280

Leonard, Brigitte	7 EDU	Drama	1/11-6/11	\$1,792
Leonard, Brigitte	4 EDU	Student Activities	1/11-6/11	\$1,024
Loch, Amy	2 EDU	Vocal Music	1/11-6/11	\$ 512
Meyer, Kimberly	7 EDU	Student Activities	1/11-6/11	\$1,792
Murphy, Anthony	5 EDU	Yearbook	1/11-6/11	\$1,280
Tucker, Jack	3 EDU	Student Activities	1/11-6/11	\$ 768
Zander, Maia	2 EDU	Orchestra	1/11-6/11	<u>\$ 512</u>
			TOTAL EDUS	\$16,384

TOTAL ESTABLISHED HOURLY, OWN DAILY AND EXTRA DUTY UNITS = \$40,738

ELECTIONS

SUBSTITUTE TEACHERS **PREFERRED SUBSTITUTES**

Effective

(@\$162.00 Daily Rate)

Sweeney, Colin 3/25/11

REGULAR DAY-TO-DAY SUBSTITUTES

(@\$138.00 Daily Rate)

Boskovich, Giovanni 4/7/11

Bushin, Gregory 4/8/11

Sadeghpour, Mojdeh 5/3/11

CHANGE IN ASSIGNMENT

Effective

Blitz, Sarah 8/29/11-6/18/12

Lincoln MS/Humanities

From: 100%

To: 80%

Garcia-Nunez, Veronica 8/29/11-6/18/12

Santa Monica HS/Spanish

From: 100%

To: 80%

Greenfield, Sara 8/29/11-6/18/12

Lincoln MS/English-Humanities

From: 100%

To: 80%

Palumbus Debeeche, Beth 8/29/11-6/18/12

Lincoln MS/English-Humanities

From: 100%

To: 80%

Rishe, Jessica 7/1/11-6/30/12

SMASH/Principal

From: 100%

To: 80% (continuing 80% assignment)

LEAVE OF ABSENCE (with pay)

Name/Location

Effective

Baum, Rena 4/27/11-5/11/11
Santa Monica HS [maternity]

Hinojosa, Judith 4/30/11-5/5/11
Santa Monica HS [maternity]

Jung, Parisa John Adams MS	4/30/11-6/22/11 [medical]
Kinsinger, Julie Rogers Elementary	4/25/11-6/22/11 [catastrophic]
Rowton, Russell John Adams MS	4/1/11-4/29/11 [catastrophic]
Sanchez-Aviles, Johanna Child Develop Svcs	5/2/11-5/12/11 [medical]

LEAVE OF ABSENCE (without pay)

<u>Name/Location</u>	<u>Effective</u>
Breceda, Brenda John Adams MS	8/29/11-6/18/12 [40% - personal]
Garcia, Veronica Santa Monica HS	8/29/11-6/18/12 [20% - personal]
Levy, Amanda Lincoln MS	4/30/11-5/23/11 [CFRA]
Rishe, Jessica SMASH	7/1/11-6/30/12 [20% - personal]
Toppel, Diane John Adams MS	8/29/11 – 6/18/12 [personal]
Von der Lieth, Jadeane Special Education	7/1/11-6/30/12 [20% - personal]

RESIGNATION

<u>Name/Location</u>	<u>Effective</u>
Hoefflerle, Quinn Muir Elementary School	5/17/11
Mabrey, Matthew Santa Monica HS	6/22/11
Schopflin, Jennifer Santa Monica HS	6/22/11

RETIREMENT

<u>Name/Location</u>	<u>Effective</u>
Jacob-Marai, Nora Edison Elementary	6/24/11

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL - MERIT

ACTION/CONSENT
05/19/11

RECOMMENDATION NO. A.29

It is recommended that the following appointments for Classified Personnel (merit system) be approved and/or ratified. All personnel will be properly elected in accordance with District policies and salary schedules.

<u>ELECTION</u>		<u>EFFECTIVE DATE</u>
Flores, Francisco Santa Monica HS	Inst Asst – Bilingual 3.5 Hrs/SY/Range: 20 Step: A	5/2/11
Harrison, Keith Lincoln MS	Accompanist 5 Hrs/SY/Range: 31 Step: F	4/25/11
Kerrigan, Michelle Special Education	Inst Asst – Specialized 6 Hrs/SY/Range: 26 Step: A	4/27/11
Miller, Ronald John Adams MS	Inst Asst – Special Ed 6 Hrs/SY/Range: 20 Step: A	4/25/11
Yera, Alex Information Svcs	Technology Support Asst 8 Hrs/11 Mo/Range: 32 Step: F	5/2/11
<u>RE-EMPLOYMENT</u>		<u>EFFECTIVE DATE</u>
Kraus, Eliza Special Education	Inst Asst – Specialized 6 Hrs/SY/Range: 26 Step: F	4/25/11
<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
Anderson, Bruno Santa Monica HS	Custodian [overtime, as needed]	3/30/11-4/6/11
Brown, Edward Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Casillas, Veronica Educational Svcs	Student Outreach Specialist [evening parent meetings]	4/4/11-5/26/11
Ciccarello, Nicolle Rogers Elementary	Inst Asst - Classroom [field trip]	4/27/11
Cooper, Raymond Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Cornejo, Natalie Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Greene, Milton Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Gomez, Jack Theater Operations	Custodian [overtime, as needed]	4/15/11-6/30/11
Gomez, Jack Facility Permits	Custodian [overtime, as needed]	4/15/11-6/30/11

Jaramillo, Guido Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Jones, Chancy Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Lopez, Victoria Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Mangum, Don Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Martin, Anthony Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Martin, Charles Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
McGrath, Kathy Business Office	Sr. Office Specialist [overtime – attendance audit]	12/1/10-3/31/11
Mirabal, Jessica Educational Svcs	Inst Asst – Special Ed [evening parent meetings]	4/4/11-4/30/11
Nunez, Sherry Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Pena, Jaime Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Porter, Joe Facility Permits	Custodian [overtime, as needed]	4/1/11-6/30/11
Porter, Joe Theater Operations	Custodian [overtime, as needed]	4/1/11-6/30/11
Sargent, Darren Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Sato, Naomi Educational Svcs	Inst Asst – Music [music rehearsals]	2/17/11-6/30/11
Smith, Dunnell Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
Smithfield, Dawn Business Services	Office Specialist [Measure R Senior Exemption]	5/2/11-8/5/11
Thatcher, Laura Rogers Elementary	Inst Asst – Classroom [field trip]	4/27/11
Torres, Joe Educational Svcs	Utility Worker [overtime – music programs]	4/8/11-6/30/11
Valle, Dahlia Rogers Elementary	Inst Asst – Classroom [field trip]	4/27/11
Vasquez, Graciela Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11

Wilson, Stanley Educational Svcs	Campus Security Officer [Stairway to the Stars]	4/7/11-4/8/11
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SUBSTITUTES

Kaur, Kulwinder Food Services	Cafeteria Worker I	<u>EFFECTIVE DATE</u> 4/15/11-6/30/11
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Lopez, Salomon Child Develop Svcs	Children Center Asst	4/19/11-6/22/11
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Peterson, Randy Operations	Custodian	5/2/11-6/30/11
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INVOLUNTARY TRANSFER

Asriyan, Aramais Operations	Custodian 8 Hrs/12 Month Fr: 8 Hrs/12 Mo/Lincoln MS	<u>EFFECTIVE DATE</u> 4/25/11
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Cuevas, Jose Lincoln MS	Custodian 8 Hrs/12 Month Fr: 8 Hrs/12 Mo/Operations	4/25/11
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LEAVE OF ABSENCE (PAID)

Behrens, Irene Human Resources	Sr. Office Specialist Medical	<u>EFFECTIVE DATE</u> 3/22/11-4/26/11
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Herson, Ilana Franklin Elementary	Inst Asst – Special Ed Medical	5/5/11-6/22/11
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Jackson, Nisha McKinley Elementary	Inst Asst – Special Ed Maternity	5/14/11-6/22/11
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PROFESSIONAL GROWTH

Delgado, Eduardo Malibu High School	Inst Asst – Special Ed	<u>EFFECTIVE DATE</u> 5/1/11
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Emhardt, Jana Purchasing	Administrative Asst	5/1/11
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Mesrobian, Krikor Franklin Elementary	Inst Asst – Special Ed	5/1/11
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Smith, Craig Maintenance	HVAC Technician	6/1/11
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WORKING OUT OF CLASS

Donovan, Marc Maintenance	Glazier Fr: Skilled Maintenance Worker	<u>EFFECTIVE DATE</u> 5/4/11-6/30/11
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Kratz, Damon Maintenance	Utility Worker Fr: Custodian	5/2/11-6/30/11
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Villa, Alejandro Maintenance	Skilled Maintenance Worker Fr: Utility Worker	5/4/11-6/30/11
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TERMINATION DUE TO EXHAUSTION OF ALL PAID LEAVES

(39-MONTH MEDICAL REEMPLOYMENT LIST)

XM4006955

Child Develop Svcs

Children's Center Asst

EFFECTIVE DATE

5/26/11

SUSPENSION WITHOUT PAY

QA1484316

Olympic HS

EFFECTIVE DATE

5/19/11, 5/20/11, 5/23/11, 5/24/11, 5/25/11

RETIREMENT

Behrens, Irene

Human Resources

Sr. Office Specialist

EFFECTIVE DATE

4/26/11

Hedge, Audrey

Food Services

Cafeteria Worker II

6/22/11

Lopez, Albina

Food Services

Cafeteria Worker I

6/1/11

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION
FROM: TIM CUNEO / WILBERT YOUNG
RE: CLASSIFIED PERSONNEL – NON-MERIT

ACTION/CONSENT
05/19/11

RECOMMENDATION NO. A.30

It is recommended that the following be approved and/or ratified for Classified Personnel (Non-Merit). All personnel assigned will be properly elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

STUDENT WORKER – PEER TUTOR

WOLF, WILLIAM	SANTA MONICA HS	4/4/11-6/22/11
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STUDENT WORKER – WORKABILITY

GARCIA, CHRISTOPHER	SPECIAL EDUCATION	4/1/11-6/30/14
MCINTYRE, MORGAN	SPECIAL EDUCATION	3/1/11-6/30/15
SHEVAH, ELAN	SPECIAL EDUCATION	4/1/11-6/30/14
SZILAGYI, EMILY	SPECIAL EDUCATION	3/1/11-6/30/15
TAYLER, KOA	SPECIAL EDUCATION	3/1/11-6/30/15

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: JOSE ESCARCE

RE: APPROVE EMPLOYEE AGREEMENT – SUPERINTENDENT

RECOMMENDATION NO. A.31

It is recommended that the Board of Education approve the employee agreement between the Santa Monica-Malibu Unified School District and the Superintendent, effective July 1, 2011.

COMMENT: On May 9, 2011, the Board of Education approved the appointment of Sandra Lyon as the district's new Superintendent. Attached is the employment agreement.

A copy will be kept on file in the Superintendent's office.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**EMPLOYMENT AGREEMENT
BETWEEN THE GOVERNING BOARD OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
AND
SUPERINTENDENT**

The following Employment Agreement is entered into between the Governing Board of the Santa Monica-Malibu Unified School District (hereafter referred to as "District" or "Board") and Sandra L. Lyon (hereafter referred to as "Superintendent").

Section 1. Term. Sandra L. Lyon is hereby employed as the Superintendent. The term of employment shall be for a three-year period commencing July 1, 2011, and ending June 30, 2014, and shall be subject to the terms and conditions hereinafter set forth. A contract year is defined as July 1st through June 30th of any given annual period.

Section 2. Salary. The Superintendent shall receive a base salary of Two Hundred Thirty Thousand Dollars (\$230,000.00) for the 2011-12 school year. Salary may be renegotiated with the Board at the end of each contract year. Any salary increase for the Superintendent for each subsequent fiscal year shall be based upon performance and determined at the discretion of the Board. Base salary is contingent on a satisfactory evaluation and the attainment of goals and objectives to be mutually determined by the Board and Superintendent. However, the parties agree not to reduce the annual salary below the figure stated unless by mutual consent.

Section 3. Renewal. This Agreement shall be extended for a period of one (1) year on the then-current terms and conditions set forth herein unless the Board gives the Superintendent written notice of its decision not to so extend this Agreement on or before May 1st of the final year of this Agreement, and thereafter on or before May 1st of any subsequent year of the extended Agreement.

Section 4. Fringe Benefits.

- A. **Health and Welfare Benefits.** The Superintendent and her dependents shall be entitled to receive a choice of health insurance plans for the current school year to be selected from the plans available from the Public Employees' Retirement System (PERS) health benefits program. If the PERS program is discontinued by the District, the Superintendent shall be entitled to the same benefits provided to other District administrators. The District shall also provide full cost coverage of Delta Dental or PMI for the Superintendent and her dependents.
- B. **Disability Insurance.** The Superintendent shall receive disability insurance at the rate indicated in the current SEIU contract.
- C. **Vacation.** The Superintendent shall be entitled to 24 days vacation, non-work time, each year without loss of compensation. Vacation shall be accrued at the rate of 2 days per month. At the conclusion of this Agreement, any unused vacation time shall be paid to the Superintendent at the Superintendent's then existing daily rate of pay. The Superintendent may elect at the conclusion of each

school year, ending June 30 annually, to be paid for any portion of the Superintendent's then accrued vacation time at the Superintendent's then existing daily rate of pay. In the event of the Superintendent's death during the term of this Agreement, her beneficiary shall be entitled to compensation for unused vacation specified in this Agreement.

- D. Sick Leave and Bereavement Leave. The Superintendent shall be entitled to twelve (12) days of sick/personal necessity leave annually. Earned sick leave shall be cumulative, as provided by state law and Board Policy. In addition to the twelve (12) days of sick/personal necessity leave, the Superintendent shall be entitled to up to five (5) days of bereavement leave without loss of pay.
- E. Automobile/Phone Allowance. The Superintendent shall receive Nine Hundred Dollars (\$900.00) per month to use for the purpose of maintaining an automobile and cellular phone to be used by the Superintendent in connection with the services required of the Superintendent under this Agreement.
- F. Relocation Expense. The District shall pay a one-time actual moving expense not to exceed Twelve Thousand Dollars (\$12,000.00), based on verification of costs submitted by the Superintendent to the Board.
- G. Coach. The Board agrees to allocate up to Twelve Thousand Dollars (\$12,000.00) to provide a coach for the Superintendent during her first year of employment. Said coach shall be identified by the Superintendent with concurrence by the Board.

Section 5. Duties and Responsibilities.

- A. The Superintendent shall perform all of her powers and duties in accordance with applicable laws, rules and regulations, including but not limited to the provisions of Education Code Section 35035, the policies adopted by the Board, and the position description for the Superintendent. All powers and duties legally delegated to the Superintendent are to be executed in accordance with the policies adopted by the Board. Acts that require ratification by the Board shall be referred to the Board at the earliest reasonable opportunity.
- B. The Superintendent's duties and functions shall include the following:
 - 1. Serving as the Chief Executive Officer of the District as described by District Policy. The Superintendent shall be delegated all powers and duties necessary for efficient management and administration of the District to the full extent permitted by law. The Superintendent shall have the authority to organize and arrange the administrative and supervisory staff including instruction, personnel, business and operational affairs which in her judgment best serve the District. The responsibility for selection, placement and transfer of existing personnel shall be vested in

the Superintendent. Employment of new personnel shall be recommended by the Superintendent subject to approval by the Board. In the event the Board does not approve the Superintendent's personnel recommendations, the Superintendent shall submit an alternative recommendation.

2. Working with the Board, District personnel, parents and the public, to develop short and long range goals with clear criteria for determining effective achievement and evaluating outcomes.
3. Representing the interests of the Board and the District in day-to-day contact with parents, other citizens, community, and governmental agencies.
4. Providing leadership, guidelines and directions to ensure that policies related to curriculum, instruction, pupil personnel services, personnel, budget, and business affairs are carried out.
5. Reporting information regularly to the Board regarding student learning, analysis of student learning, and analysis of student achievement and test scores.
6. Reviewing all policies adopted by the Board and making appropriate recommendations to the Board for addition, deletion, or modification.
7. Evaluating employees directly accountable to the Superintendent and overseeing the evaluation of other employees as defined by California law and Board policy.
8. Providing leadership and direction in planning and financing school facilities to meet growth needs.
9. Advising the Board and making recommendations regarding possible sources of funds which may be available to implement present or contemplated District programs.
10. Endeavoring to maintain and improve her professional competency by all available means, including reading appropriate periodicals and joining and/or participating in appropriate professional associations and their activities.
11. Establishing and maintaining an effective community relations program including effective relationships with the media.
12. Communicating openly, systematically, and in a timely manner to the Board, staff, and the community, and promptly informing the Board of critical issues or incidents.

13. Providing educational leadership to ensure quality teaching and learning.
14. Performing other duties and functions as assigned or required by the Board.

Section 6. Evaluation of Performance. The Board and Superintendent shall annually develop and agree upon performance goals and objectives that shall serve as the basis for an annual evaluation. Unless otherwise agreed upon by the parties, such goals and objectives shall be established no later than the first meeting of the Board in September of each year.

- A. The Board shall devote a portion of at least one meeting annually for discussion and evaluation of the performance and working relationship between the Superintendent and the Board. Every effort will be made to conduct this meeting by a date to be determined by the Board and the Superintendent. Such meeting shall be conducted in closed session unless mutually agreed otherwise. Evaluations shall be based upon the mutually developed and agreed upon performance goals and objectives for that year's evaluation. In addition thereto, the Board and the Superintendent shall assess the quality and effectiveness of their working relationship. After reviewing the performance of the Superintendent based upon the agreed upon goals and objectives established for the school year, the Board shall notify the Superintendent in writing whether the Superintendent has performed, in the Board's judgment, satisfactorily or unsatisfactorily.
- B. An evaluation shall be deemed to be "satisfactory" if a majority of the Board members have rated the Superintendent's performance as satisfactory in individual evaluations prepared by such Board members.
- C. The Board will provide a formal evaluation of the Superintendent's performance at least once annually, no later than May 31 of each year. The Board and the Superintendent shall also meet during the course of the year in order to provide feedback to the Superintendent concerning the Superintendent's progress towards meeting the mutually agreed upon goals and objectives, and making any agreed upon modifications to those goals and objectives.
- D. The Board and the Superintendent shall agree upon a written evaluation format which shall be used during the term.
- E. If the Board concludes that the Superintendent's performance is unsatisfactory, the Board shall identify in writing specific areas where improvement is required, provide written recommendations for improvement, and notify the Superintendent that another evaluation will be conducted within six (6) months. Such written recommendations and the specifications for improvement shall be provided within thirty (30) days of the date of the evaluation.

- F. The Board, unless otherwise agreed to in writing with the Superintendent, shall maintain confidentiality concerning the contents of any evaluation.

Section 7. Professional Association Dues/Service Club Expenses. The District shall promptly reimburse the Superintendent for all reasonable expenses incurred by the Superintendent in connection with District business. Such reimbursement shall include dues and other expenses associated with membership in a service club to be selected by the Superintendent and approved by the Board. Subject to Board approval, the District shall also pay on behalf of the Superintendent expenses incurred in attendance for regional, state or national conferences, seminars, hearings, or meetings which are devoted to matters that in the Superintendent's judgment relate to the benefit and welfare of the District. The District shall also pay the Superintendent's expenses and dues for membership in professional organizations including the Association of California School Administrators (ACSA), the American Association of School Administrators (AASA), and such other professional associations as the Superintendent may participate in.

Section 8. Work Year. The Superintendent shall be required to render twelve (12) months of full and regular service to the District during each annual period covered by this Employment Agreement. The work year shall be 222 days during the twelve (12)-month period.

Section 9. Termination of Agreement.

- A. The Superintendent may terminate the Superintendent's obligations under this Agreement by giving the District at least ninety (90) days' written notice in advance.
- B. This Agreement shall terminate upon the occurrence of any of the following events:
- B.1 Whenever the Superintendent and the District shall mutually agree to termination in writing;
- B.2 Upon the death of the Superintendent;
- B.3 The Board may terminate the Superintendent for cause based on any of the grounds set forth in Education Code Section 44932. In such event, the Superintendent shall receive a statement of charges setting forth the basis for this termination and be provided an opportunity to respond to the Board in closed session. The Superintendent shall have the right, at her own expense, to have a representative of her choice at the conference with the Board. The conference with the Board shall be the Superintendent's exclusive right to any hearing otherwise required by law.
- B.4 The Superintendent has been unable to perform all or substantially all of the Superintendent's duties due to illness or other disability for a period of three (3) consecutive months, and it is medically determined that the Superintendent is permanently disabled from performing all or

substantially all of the duties of the Superintendent. The determination that the Superintendent is permanently disabled and unable to perform the essential functions of the job with or without accommodation shall be supported by medical opinion as currently required by law.

- B.5 Notwithstanding any other provision of this Agreement, the Board, without cause, in its sole discretion, shall have the option to unilaterally terminate this Agreement upon the provision of written notice of such termination to the Superintendent. In accordance with Government Code Sections 53260 and 53261, if the Board elects the option to terminate this Agreement without cause, then the Superintendent shall receive the Superintendent's regular salary for the remainder of the term, or eighteen (18) months, whichever is less, and shall additionally be entitled to the health insurance benefits the Superintendent has elected for the same period of time. Such termination payments shall be paid in a lump sum, or on the same installment basis as the Superintendent's salary is currently paid, at the Superintendent's election.

Section 10. Applicable Law. This Agreement is subject to all applicable laws of the State of California, rules and regulations of the State Board of Education, and rules, regulations, and policies of this Board.

Section 11. Indemnity. In accordance with the provisions of Government Code Sections 825 and 995, the District shall defend the Superintendent from any and all demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's individual capacity, or official capacity as an agent and employee of the District, provided that the incident giving rise to any such demand, claim, suit, action, or legal proceeding arose while the Superintendent was acting within the scope of employment. Unless there is a finding of criminal action, actual fraud, corruption or actual malice, the District shall hold harmless and indemnify the Superintendent from any and all demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's individual capacity or in the Superintendent's official capacity as an agent and employee of the District, provided that the incident giving rise to any such demand, claim, suit, action, or legal proceeding arose while the Superintendent was acting within a scope of the Superintendent's employment. Such indemnification and hold harmless shall be for any and all claims arising out of or related to this Agreement and its provisions, duties and responsibilities of the Superintendent's job performance, including any extensions of this Agreement.

Section 12. Savings Clause. If any provisions of this Agreement are held to be contrary to law by final legislative act or a court of competent jurisdiction, inclusive of appeals, if any, such provisions will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions will continue in full force and effect.

Section 13. Interpretation.

- A. This Agreement shall be interpreted in accordance with its fair meaning; captions are for the purpose of organization convenience only and shall not be considered in interpreting or construing the meaning of the terms or provisions of this Agreement. This Agreement is subject to all applicable laws of the State of California, the rules and regulations of the California State Board of Education, and the District. Said laws, rules, and regulations are hereby made a part of the terms and conditions of this Agreement as though herein set forth. Said laws, rules, and regulations may be amended from time to time.
- B. Except as otherwise specified, for the purpose of this Agreement, "days" shall be deemed to mean calendar days.

DATED this ____ day of May, 2011.

ACCEPTED

**SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT**

Sandra L. Lyon
Superintendent

By: _____
José Escarce, Board President,
for and on behalf of the Governing Board of the
Santa Monica-Malibu Unified School District

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO

RE: REVISE BP 1150 – COMMENDATIONS AND AWARDS

RECOMMENDATION NO. A.32

It is recommended that the Board of Education revise BP 1150 – Commendations and Awards.

COMMENT: CSBA is recommending this policy update to clarify that it applies to awards given to parents/guardians, community members, businesses, and organizations. Policy also incorporates and expands material formerly in AR regarding the process for submitting recommendations for awards and the types of awards that may be given, and adds designation of a day, week, or month for special recognition of volunteers.

This item came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

COMMENDATIONS AND AWARDS

The Board of Education believes that individuals and organizations deserve recognition when they provide contributions or long-standing service to the district. To encourage community involvement in district programs and activities, the Governing Board may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or provide longstanding service to the district or district students. The Board believes that commending such service promotes increased community understanding and participation.

~~The Superintendent or designee shall establish procedures by which Board members, employees or members of the community may suggest persons or organizations for Board recognition. At the Board's discretion, letters of recognition, Board resolutions, plaques or awards may be presented.~~

Any Board member, employee, parent/guardian, student, or community member may recommend an individual or organization for Board recognition. He/she shall submit to the Superintendent or designee the name of the individual or organization and a description of the outstanding contribution or service.

At the Board's discretion, the Board may present a letter of recognition, Board resolution, plaque, or other award at a public Board meeting or may hold a reception or informal recognition activity. The Board also may designate a day, week, or month for special recognition of volunteers.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

*Legal Reference:**EDUCATION CODE**[35160](#) Authority of governing boards**[35160.1](#) Broad authority of school districts**[44015](#) Awards to employees and students*

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO

RE: REVISE BP 1240 – VOLUNTEER ASSISTANCE

RECOMMENDATION NO. A.33

It is recommended that the Board of Education revise BP 1240 – Volunteer Assistance.

COMMENT: CSBA is recommending this policy update to reflect new law (AB 346), which requires any volunteer who works with students in a student activity program (not just those who supervise, direct, or coach the activity) to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing (CTC), unless the district requires the volunteer to instead clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check or the volunteer is otherwise exempted by law.

This item came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

VOLUNTEER ASSISTANCE

The Board of Education encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The Board also encourages community members to ~~serve as mentors providing support and motivation to students~~ share their time, knowledge, and abilities with students.

The Superintendent or designee shall develop and implement a plan for recruiting, screening and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors and/or make appropriate referrals to community organizations.

The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing and may also include laws related to criminal record checks.

Volunteers shall be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that capitalize on their skills and expertise and maximize their contribution to the educational program.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads and comply with employee commitments and contracts.

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code [35021](#))

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

Prior to assuming a volunteer position to work with students in a district-sponsored student activity program, a volunteer shall possess an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing. (Education Code 49024)

A volunteer who obtained both a Department of Justice and Federal Bureau of Investigation criminal background clearance through the district prior to July 9, 2010, shall have satisfied this requirement. (Education Code 49024)

Legal Reference:

EDUCATION CODE

[35021](#) Volunteer aides

[35021.1](#) Automated records check

[44010](#) Sex offense; definition

[44227.5](#) Classroom participation by college methodology faculty

[44814-44815](#) Supervision of students during lunch and other nutrition periods

[45125](#) Fingerprinting requirements

[45340-45349](#) Instructional aides

[45360-45367](#) Teacher aides

[49406](#) Examination for tuberculosis

GOVERNMENT CODE

[3100-3109](#) Oath or affirmation of allegiance

[3543.5](#) Prohibited interference with employees' rights

HEALTH AND SAFETY CODE

[1596.871](#) Fingerprints of individuals in contact with child day care facility clients

LABOR CODE

[3364.5](#) Persons performing voluntary services for school districts

PENAL CODE

[290](#) Registration of sex offenders

[290.4](#) Information re sex offenders

CODE OF REGULATIONS, TITLE 22

[101170](#) Criminal record clearance

[101216](#) Health screening, volunteers in child care centers

UNITED STATES CODE, TITLE 20

[6319](#) Qualifications and duties of paraprofessionals, Title I programs

ATTORNEY GENERAL OPINIONS

62 Ops. Cal. Atty. Gen. 325 (1979)

COURT DECISIONS

Whisman Elementary School District, 15 Public Employee Reporter for California, 22043

Management Resources:

NATIONAL PTA PUBLICATIONS

National Standards for Parent/Family Involvement Programs, 1997

Building Successful Partnerships: A Guide for Developing Parent and Family Involvement Programs, 2000

WEB SITES

California PTA: <http://www.capta.org>

National PTA: <http://www.pta.org>

California Partners in Education: <http://www.capie.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

U.S. Department of Education, Partnership for Family Involvement in Education: <http://pfie.ed.gov>

CDE: <http://www.cde.ca.gov>

California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO

RE: REVISE BP 1250 – VISITORS/OUTSIDERS

RECOMMENDATION NO. A.34

It is recommended that the Board of Education revise BP 1250 – Visitors/Outsiders.

COMMENT: CSBA is recommending this policy update to encourage individuals to use complaint procedures and to avoid disruptive behavior on school grounds.

This item came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

VISITORS/OUTSIDERS

The Board of Education encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure the safety of students and staff and minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the ~~teacher and~~ principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

~~To ensure the safety of students and staff and avoid potential disruptions, all visitors~~ Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

~~For purposes of school safety and security, the~~ The principal or designee may design a visible means of identification for visitors all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code [51512](#))

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

Legal Reference:EDUCATION CODE

[32210](#) Willful disturbance of public school or meeting

[32211](#) Threatened disruption or interference with classes; misdemeanor

[32212](#) Classroom interruptions

[35160](#) Authority of governing boards

[35292](#) Visits to schools (board members)

[51512](#) Prohibited use of electronic listening or recording device

EVIDENCE CODE

[1070](#) Refusal to disclose news source

LABOR CODE

[230.8](#) Discharge or discrimination for taking time off

PENAL CODE

[626-626.10](#) Schools

[627-627.10](#) Access to school premises, especially:

[627.1](#) Definitions

[627.2](#) Necessity of registration by outsider

[627.7](#) Misdemeanors; punishment

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU

RE: REVISE BP 6011 – ACADEMIC STANDARDS

RECOMMENDATION NO. A.35

It is recommended that the Board of Education revise BP 6011 – Academic Standards.

COMMENT: CSBA is recommending this policy update to reflect the State Board of Education's adoption of the Common Core Standards, a set of national voluntary standards in English language arts and mathematics. The policy also adds language regarding (1) involvement of representatives of businesses and postsecondary institutions in the recommendation of district standards; (2) alignment of standards with graduation requirements, college entrance requirements, and other student outcomes; and (3) review of standards in response to changing student needs.

This item came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

ACADEMIC STANDARDS

The Board of Education shall adopt high academic standards for student achievement which challenge all students to reach their full potential and which clarify what students are expected to know and be able to do at each grade level and in each area of study. These standards shall reflect the knowledge and skills needed for students to be adequately prepared for postsecondary education, employment, and responsible citizenship.

The Superintendent or designee shall provide the Board with recommended standards. In developing these recommended standards, the Superintendent or designee shall use a process that involves teachers, school site and district administrators, students, parents/guardians, and community members. He/she shall ensure the alignment of the standards with the district's vision and goals, graduation requirements, college entrance requirements, and other desired student outcomes, and ~~ensure the~~ proper articulation of standards between grade levels. He/she also shall ensure that the standards are easily understandable and measureable.

District content standards for English language arts, English language development, mathematics, science, health education, history-social science, physical education, visual and performing arts, world languages, career technical education, and preschool education shall meet or exceed statewide model content standards adopted by the State Board of Education or the State Superintendent of Public Instruction as applicable.

Teachers and school administrators shall receive professional development to ensure their understanding of the standards and to discuss effective instructional methods in preparing students to meet the standards.

The Superintendent or designee shall annually communicate the applicable standards to students and their parents/guardians to inform them of the expectations for student learning at their grade level.

Staff shall continually assess students' progress toward meeting the standards, report each student's progress to the student and his/her parents/guardians, and offer remedial assistance in accordance with Board policy and administrative regulation.

District standards shall also provide a basis for evaluating the instructional program, making decisions about curriculum and assessment, and, in accordance with Education Code 44662, evaluating teacher performance.

The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary. At a minimum, district standards shall be reviewed whenever applicable statewide standards are revised and whenever data on student achievement demonstrate that students are not adequately achieving the standards in a particular grade level or subject area.

Legal Reference:

EDUCATION CODE

44662 *Evaluation of certificated employees*

51003 *Statewide academic standards*

60605-60605.5 *Adoption of statewide academically rigorous content and performance standards*

UNITED STATES CODE, TITLE 20

6311 *State academic standards and accountability for Title I, Part A*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2009

California Preschool Learning Foundations, Vol. 1, 2008

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, March 2008

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, 2006

Physical Education Model Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2005

Visual and Performing Arts Content Standards for California Public Schools, Prekindergarten Through Grade Twelve, January 2001

English-Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve, July 1999

History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997

Mathematics Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: August 19, 2009 Santa Monica, California

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/05/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU

RE: REVISE BP 6161.1 – SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

RECOMMENDATION NO. A.36

It is recommended that the Board of Education revise BP 6161.1 – Selection and Evaluation of Instructional Materials.

COMMENT: CSBA is recommending this policy update to reflect new law (AB 2211), which revises the definition of "sufficiency of instructional materials" to include materials in a digital format as long as specified conditions are met.

This came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Board of Education desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency and meet criteria specified in law.

To ensure that instructional materials effectively support the district's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the district's curriculum and standards.

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members.

All recommended instructional materials shall be available for public inspection at the district office.

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History/social science
4. English language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in digital format as long as each student, at minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

For the 2008-09 through 2012-13 fiscal years, the Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area, and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference:

EDUCATION CODE

1240 County superintendent, general duties
1240.3 Definition of sufficiency for categorical flexibility
33050-33053 General waiver authority
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51501 Subject matter reflecting on race, color, etc.
60000-60005 Instructional materials, legislative intent
60010 Definitions
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards
CODE OF REGULATIONS, TITLE 5
9505-9535 Instructional materials, especially:
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2000

STATE BOARD OF EDUCATION POLICIES

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

WEB SITES

CSBA: <http://www.csba.org>

Association of American Publishers: <http://www.publishers.org>

California Department of Education: <http://www.cde.ca.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California
revised: September 1, 2010**

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO

RE: REPLACE BP 9270 – CONFLICT OF INTEREST

RECOMMENDATION NO. A.37

It is recommended that the Board of Education replace BP 9270 – Conflict of Interest.

COMMENT: CSBA is recommending this mandated bylaws update to reorganize and clarify three types of analysis that must be conducted pursuant to different statutes and the common law doctrine to determine whether a conflict exists and, if so, whether the board member must abstain and/or if the contract is prohibited.

This item came forward for board discussion on May 5, 2011.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CONFLICT OF INTEREST

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall *not* be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall *not* be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw CSBA MANUAL MAINTENANCE SERVICE
adopted: July 2010

CONFLICT OF INTEREST

Incompatible Activities

~~Board of Education members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)~~

Conflict of Interest Code

~~The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.~~

~~Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)~~

~~When a change in the district's conflict of interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)~~

~~When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)~~

~~If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)~~

~~Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)~~

Financial Interest

~~Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)~~

~~A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)~~

- ~~1. ——— That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty~~

- ~~2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board~~
- ~~3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091~~
- ~~4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment~~
- ~~5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records~~
- ~~6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records~~
- ~~7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records~~
- ~~8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm~~

~~In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)~~

~~A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)~~

~~A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.~~

~~Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)~~

~~A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.~~

~~Disqualification for Board Members Who Manage Public Investments~~

~~A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:~~

- ~~1. Publicly identify the financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)~~
- ~~2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)~~
- ~~3. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. (Government Code 87105)~~

~~If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR 18702.5)~~

~~The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)~~

~~If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)~~

~~Gifts~~

~~Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.~~

~~The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)~~

~~Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.~~

~~A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)~~

Honoraria

~~Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)~~

~~The term honorarium does not include: (Government Code 89501)~~

- ~~1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches~~
- ~~2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes~~

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

~~It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:~~

~~Members of the Board of Education~~

~~Superintendent of Schools~~

- ~~1. Persons occupying the following positions are designated employees in Category 1:~~

~~Assistant/Associate Superintendent~~

~~Purchasing Agent~~

~~Designated persons in this category must report:~~

~~a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.~~

~~b. Investments or business positions in or income from sources which:~~

- ~~(1) Are engaged in the acquisition or disposal of real property within the district~~

- ~~(2) — Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or~~
- ~~(3) — Manufacture or sell supplies, books, machinery or equipment of the type used by the district~~

~~2. — Persons occupying the following positions are designated employees in Category 2:~~

~~Director~~

~~Maintenance and Operations Director~~

~~Designated persons in this category must report investments or business positions in or income from sources which:~~

- ~~a. — Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or~~
 - ~~b. — Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.~~
- ~~3. — Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.~~

~~A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)~~

- ~~a. — Approve a rate, rule or regulation~~
- ~~b. — Adopt or enforce a law~~
- ~~c. — Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement~~
- ~~d. — Authorize the district to enter into, modify or renew a contract that requires district approval~~
- ~~e. — Grant district approval to a contract or contract specifications which require district approval and in which the district is a party~~
- ~~f. — Grant district approval to a plan, design, report, study or similar item~~
- ~~g. — Adopt or grant district approval of district policies, standards or guidelines~~

~~A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)~~

Legal Reference:

EDUCATION CODE

~~1006 Qualifications for holding office~~

~~35107 School district employees~~

~~35230-35240 Corrupt practices~~

~~35233 Prohibitions applicable to members of governing boards~~

~~35239 Compensation for board members in districts under 70 ADA~~

GOVERNMENT CODE

~~1090-1098 Prohibitions applicable to specified officers~~

~~1125-1129 Incompatible activities~~

~~81000-91015 Political Reform Act of 1974, especially:~~

~~82011 Code reviewing body~~

~~82019 Definition of designated employee~~

~~82028 Definition of gifts~~

~~82030 Definition of income~~

~~87100-87103.6 General prohibitions~~

~~87200-87210 Disclosure~~

~~87300-87313 Conflict of interest code~~

~~87500 Statements of economic interests~~

~~89501-89503 Honoraria and gifts~~

~~91000-91014 Enforcement~~

CODE OF REGULATIONS, TITLE 2

~~18110-18997 Regulations of the Fair Political Practices Commission, especially:~~

~~18702.5 Public identification of a conflict of interest for Section 87200 filers~~

COURT DECISIONS

~~Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655~~

~~Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511~~

ATTORNEY GENERAL OPINIONS

~~86 Ops.Cal.Atty.Gen. 138(2003)~~

~~85 Ops.Cal.Atty.Gen. 60 (2002)~~

~~82 Ops.Cal.Atty.Gen. 83 (1999)~~

~~81 Ops.Cal.Atty.Gen. 327 (1998)~~

~~80 Ops.Cal.Atty.Gen. 320 (1997)~~

~~69 Ops.Cal.Atty.Gen. 255 (1986)~~

~~68 Ops.Cal.Atty.Gen. 171 (1985)~~

~~65 Ops.Cal.Atty.Gen. 606 (1982)~~

Management Resources:

WEB SITES

~~Fair Political Practices Commission: <http://www.fppc.ca.gov>~~

**Bylaw ~~SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT~~
adopted: June 25, 2009 ~~Santa Monica, California~~**

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: TIM CUNEO / DEBRA WASHINGTON / MAROLYN FREEDMAN

RE: EXPULSION OF STUDENT (B/D 8/29/96)

RECOMMENDATION NO. A.38

It is recommended that the Board of Education expel student (B/D 8/29/1996).

COMMENT: The Superintendent of Santa Monica-Malibu Unified School District has recommended the expulsion based on the student's violations of Education Code Sections 48900 (c), 48915(c):

Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. **SECTION 48900 (c)**

The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds: (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. **SECTION 48915 (c)**

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: TIM CUNEO / DEBRA WASHINGTON / MAROLYN FREEDMAN

RE: EXPULSION OF STUDENT (B/D 7/26/97)

RECOMMENDATION NO. A.39

It is recommended that the Board of Education expel student (B/D 7/26/1997).

COMMENT: The Superintendent of Santa Monica-Malibu Unified School District has recommended the expulsion based on the student's violations of Education Code Sections 48900 (c), 48915(c):

Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. **SECTION 48900 (c)**

The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds: (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. **SECTION 48915 (c)**

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

05/19/11

FROM: TIM CUNEO

RE: SET DATE FOR ADDITIONAL BOARD MEETING IN MID-JUNE 2011

RECOMMENDATION NO. A.40

It is recommended that the Board of Education schedule an additional meeting in mid-June 2011 to be held at the district offices and begin at 6:00pm. Due to the board's heavy docket leading up to June 30, this additional meeting will enable the board to distribute its agenda items among three, rather than two, meetings.

JUNE 2011

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 Regular board meeting	3
6	7	8	9	10
13	14	15	16 Additional board meeting	17
20	21	22	23 <i>Furlough</i>	24 <i>Furlough</i>
27	28	29	30 Regular board meeting	

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: LAURIE LIEBERMAN

RE: CONSIDER REVISING BP 5131.61 – CONTROLLED SUBSTANCE

RECOMMENDATION NO. A.41

It is recommended that the Board of Education consider revising BP 5131.61 – Controlled Substance.

COMMENTS: At the request of Board Member Lieberman, this policy came forward for board discussion on May 5, 2011. During that discussion, the board requested the policy return for action with Ms. Lieberman's proposed language changes inserted.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CONTROLLED SUBSTANCE**Policy Statement**

Unlawfully possessing, using, selling, being under the influence of or otherwise furnishing to others a controlled substance or alcoholic beverage, or intoxicant of any kind, at any school activity or on any school district or adjacent property, is considered to be a threat to the educational process. For the offenses indicated, the student, under guidelines indicated below, may be subject to suspension, transfer to another school, expulsion and an obligation to complete the district counseling requirement.

The disciplinary penalties set forth herein shall establish maximum penalties and not mandatory penalties. When implementing this policy, School District officials may, in their discretion, impose penalties that are less than the maximum penalties provided herein. In determining the appropriate penalty applicable in individual disciplinary situations, the School District official shall take into account:

1. The student's pattern of behavior;
2. The seriousness of the misconduct and its risk to the overall learning process;
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program, or other appropriate regimen.

Students disciplined under this Policy, or their parents, shall have the right to an appeal following the District's appeal procedures set forth under the applicable Board Policy.

Definitions of Evidence

1. Hard Evidence:
 - a. An admission by the student of unlawfully possessing, using, selling, being under the influence of, or otherwise furnishing to others a controlled substance or alcoholic beverage, or intoxicant of any kind.
 - b. Discovery of the controlled substance and/or alcoholic beverage, or intoxicant of any kind, on the student's person or in possessions such as lockers or backpacks under the student's control.
 - c. Eyewitness testimony of any school personnel of the actual unlawful possession, sale, use or furnishing to others.
 - d. Eyewitness testimony of two or more students of the actual unlawful possession, sale, use or furnishing to others.
2. Soft Evidence:

Soft evidence is more subjective; it involves all other forms of evidence and usually based on observation of student behavior.

Discipline and Counseling Procedures for Governing Use, Possession, Being Under the Influence of a Controlled Substance (Grades 1-12)

1. Hard Evidence: - First Offence:

If the Superintendent or designee determines, in the presence of hard evidence, that the student unlawfully possessed, used, sold, was under the influence of or otherwise furnished to others a controlled substance or alcoholic beverage, or intoxicant of any kind, the following steps shall be taken.

- a. The student shall be suspended for a maximum of five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)

The rights and responsibilities section of the school district suspension form shall be observed by the school principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to an appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student shall be allowed to complete all assignments and tests missed during a suspension.

- b. Students in grades 1-12 shall be placed on academic probation for a period of ten weeks.

The terms of probation include loss of privileges from participating in the following: all sports, dramatic, choral or musical performances, dances, cheerleading, graduation and awards ceremonies.

- (1) Students must complete 24 hours of substance abuse counseling in a program offered by the district, or students must obtain preapproval if counseling will be provided by a private agency or therapist. Parents must attend 12 hours of substance abuse counseling designed for parents.
- (2) Students must complete 40 hours of community service from a list of approved agencies provided by the district, or receive preapproval for community services with other organizations.
- (3) The principal has the option of requiring that the student participate in a 12-step program if the behavior warrants additional intervention.
- (4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on probation with loss of privileges until all are completed. If the student fails to complete all of the above by the last day of the semester in which the 10-week probation was scheduled to end, the student will be transferred to another school in the district for the entire next semester. At the end of that semester, the student will be returned to his/her home school.

- c. Hard Evidence - Second Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time within middle school (Grades 6-8) or a second time within high school (Grades 9-12), the student unlawfully possessed, used, was under the influence of or otherwise furnished to others a controlled substance or alcoholic beverage or intoxicant of any kind, the following steps shall be taken:

- (1) The student shall be suspended for a maximum of five days. The rights and responsibilities section of the district suspension form shall be observed by the principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student shall be allowed to complete all assignments and tests missed during the suspension.
 - (2) The principal shall recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work will be provided.
 - (3) If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit will be revoked and the student will be directed to enroll in his/her neighborhood school.
2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.

Discipline Procedures for Providers of Controlled Substances or Alcoholic Beverage, or Intoxicant of Any Kind To Others (Grades 1-12)

In cases where the principal or Superintendent determines, in the presence of hard evidence, that the student sold or provided a controlled substance or alcoholic beverage, or intoxicant of any kind, to others, the following steps shall be taken:

1. The student shall be suspended for a maximum of five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)
2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.
3. The principal shall inform the Superintendent or designee of the incident and actions taken.
4. The Superintendent or designee shall recommend that the student be expelled from school, unless the principal finds, and so reports to the Superintendent or designee in writing, that expulsion is inappropriate under the particular circumstances of the case.

Soft Evidence Procedures

Soft evidence cases will usually involve situations in which the student is suspected of being under the influence of a controlled substance, alcoholic beverage or intoxicant of any kind. In such a case, the administrator may consult with the school nurse and may require the completion of the Behavioral Observation Form shown in the Discipline Handbook.

Distribution Guidelines

1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.

2. Within the first 10 days of school each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.
3. Each principal will ensure that all middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or controlled substance abuse by student

51262 Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

COURT DECISIONS

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Partnership for a Drug-Free America: <http://www.drugfreeamerica.org>

U.S. Department of Education: <http://www.ed.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JUDY ABDO

RE: APPROVE REORGANIZATION OF CHILD DEVELOPMENT SERVICES FOR
2011-12

RECOMMENDATION NO. A.42

It is recommended that the Board of Education approve the reorganization of the Child Development Services Department.

COMMENTS: At the May 5, 2011, board meeting, staff made a presentation regarding a proposed 2011-12 service plan for Child Development Services and demonstrated how the changes affect current organizational structure.

The District has received information regarding the funding changes in Child Development Services: 15% reduction of contract amounts; the reduction of eligibility from 75% of state median income to 70%; the ineligibility for 11- and 12-year-olds to receive subsidy for childcare; and an increase of 10% in family fees based on sliding scale.

Therefore, Child Development Services will adjust its program services to meet the fiscal and operational challenges of reductions in state programs and contracts by reorganizing its services to families in the District.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: TIM CUNEO / DEBRA MOORE WASHINGTON

RE: ADOPT RESOLUTION NO. 10-45 - REDUCTION OR ELIMINATION OF CHILD DEVELOPMENT PROGRAM PERMIT POSITIONS AND NOTIFY AFFECTED EMPLOYEES OF RECOMMENDATION OF LAYOFF

RECOMMENDATION NO. A.43

It is recommended that the Board of Education approve Resolution 10-45 for the reduction or elimination of Child Development program permit positions, as indicated on the Resolution, effective June, 2011.

COMMENT: The Superintendent of the Santa Monica-Malibu Unified School District recommends to the Governing Board that the services enumerated in Resolution No. 10-45 are to be reduced or eliminated no later than the beginning of the 2011-2012 school year, and that the Board give notice as required by Education Code Section 8366 to those employees whose services will not be required.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

**REDUCTION OR ELIMINATION OF CHILD DEVELOPMENT PROGRAM
PERMIT POSITIONS PURSUANT TO EDUCATION CODE SECTION 8366**

RESOLUTION NO. 10-45

WHEREAS, Education Code section 8366 authorizes a district to employ persons working in positions requiring a child development permit for the supervision and instruction of children, or in the supervision of the child development program;

WHEREAS, Education Code section 8366 provides that a district may layoff child development permit employees at any time during the school year for lack of work or lack of funds; and

WHEREAS, it is the determination of the Board of Education of the Santa Monica-Malibu Unified School District, in analyzing and balancing educational and service priorities, and based on a lack of work and/or lack of funds, that the following positions be reduced:

Reduce Child Development Permit School Age/CREST Teachers.....2.56 FTE

Reduce Child Development Permit Preschool Teachers.....2.0 FTE

Reduce Child Development Program Lead Teachers.....6.31 FTE

Total FTE: 10.87

NOW, THEREFORE, IT IS RESOLVED AND ORDERED by this Board of Education as follows:

1. That due to a lack of funds and/or lack of work, the number of employees and the amount of service rendered as specified above shall be reduced by layoff pursuant to Education Code section 8366.
2. That the Superintendent is directed to give notice of layoff to the affected employees pursuant to the requirements of law.
3. That said layoff shall become effective on July 3, 2011.
4. That affected child development program employees shall be offered the opportunity to displace less senior child development program employees who occupy positions for which the affected employee(s) is/are qualified and appropriately credentialed.
5. That permanent employees laid off pursuant to this Resolution shall be eligible for reemployment pursuant to Education Code section 8366.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 19th day of May, 2011 by the following vote:

Ayes: _____
Noes: _____
Absent: _____

Jose Escarce, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Tim Cuneo, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its regular meeting held on May 19, 2011.

Dated: _____, 2011

Tim Cuneo, Secretary
Board of Education of the
Santa Monica-Malibu Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

05/19/11

FROM: TIM CUNEO / JANECE L. MAEZ

RE: RECONVENE THE CITIZENS COMMITTEE TO EXAMINE THE FEASIBILITY OF
AN EMERGENCY PARCEL TAX AND FUTURE CAPITOL IMPROVEMENT
BOND MEASURE

RECOMMENDATION NO. A.44

It is recommended that the Board of Education reconvene the citizens committee to examine the feasibility of an emergency parcel tax for the November 2011 ballot to offset all or a portion of the district's deficit due to the continuing state budget crisis. It is also recommended that the committee study the feasibility of a future bond measure in order to complete all or a portion of the district's capital improvement plan.

COMMENT: The superintendent is recommending that the citizens committee reconvene and be charged to:

1. Study the feasibility of an emergency parcel tax to be placed on the November 2011 ballot and make a recommendation to the Board of Education no later than August 10, 2011.
2. Study the feasibility of a bond measure and make a recommendation in the spring of 2012.

The committee would be authorized to expend up to \$50,000 to poll the electorate regarding parcel tax feasibility.

It is recommended that this committee have no more than thirty-five members. The committee membership will consist of those members approved on August 19, 2009.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

FROM: TIM CUNEO / CHIUNG SALLY CHOU

05/19/11

7:00pm

RE: UPDATES ON THE SANTA MONICA-MALIBU EDUCATIONAL
COLLABORATIVE

RECOMMENDATION NO. D.01

It is recommended that the Board of Education review and support the continuing work that has taken place between Santa Monica-Malibu Unified School District and Santa Monica College District in providing students with enriched scholastic and career and technical education programs.

On May 21, 2008, the Board of Education approved a Memorandum of Understanding with Santa Monica College District for both districts to collaborate to increase opportunities for school district students to participate in coursework as well as collaborations in other programs and activities.

One of the programs staff will be highlighting tonight is the Young Collegians. This is a program to inspire students to be college-bound and provide them with the necessary skills and knowledge to be successful in high school while earning college credits. The district is celebrating the graduation of its first cohort of students.

TO: BOARD OF EDUCATION

DISCUSSION

05/19/11

FROM: TIM CUNEO / DEBRA MOORE WASHINGTON

RE: PROPOSED HEALTH SERVICES DELIVERY MODEL

DISCUSSION ITEM NO. D.02

In February 2011, the Superintendent asked that an Ad-Hoc Committee be formed to consider and make recommendations to the Superintendent on alternative methods for the delivery of health services in the Santa Monica-Malibu Unified School District. The committee met five times to examine data, look at mandated tasks for a school nurse, study current district patterns, and consider student need. The committee consisted of a broad-based group representing public and private health agencies, school nurses, LACOE, physicians, educators, community members, and Cedars-Sinai Hospital.

The recommendation from the Ad-Hoc Committee included a three-year phase-in plan to employ school nurses, licensed vocational nurses, and health clerks. The Superintendent also surveyed school leaders and principals on this topic. Those results were joined with the committee's recommendation, and the final Superintendent's recommendation was then formed. The work of these groups and the Superintendent's recommendation are summarized in the attached document.

May 19, 2011

To: The Board of Education
From: Tim Cuneo, Superintendent
Re: Recommendation for Delivery of Health Services in SMMUSD

In February of 2011, an Ad-Hoc Committee was convened to consider and make recommendation to the superintendent on alternative methods for the delivery of health services in SMMUSD. The committee met five times to examine data, look at mandated tasks for a school nurse, study current distribution patterns and consider student need. A list of committee members is included in the appendices. The committee consisted of a broad-based group representing public and private health agencies, school nurses, LACOE, physicians, educators, community members and the CEO from Cedars-Sinai Hospital. Each participant attended one or more meetings. Two house principals and one assistant principal attended, though there were no principals on the committee. The recommendation from the Ad-Hoc Committee included a three-year phase-in plan to employ school nurses, licensed vocational nurses and health clerks. See Exhibit A below.

Exhibit A

Year 1: (2011-2012)

9.6 FTE School Nurses	\$1,027,200
1.0 FTE LVN	55,000
2.0 PTE LVNs	35,000
2.0 PTE Health Clerks	27,760
Vision/Hearing/Scoliosis	10,395
	<u>\$1,155,355</u>

Year 3: (2013-2014)

8.0 FTE School Nurses	\$ 856,000
3.0 FTE LVNs	165,000
4.0 PTE LVNs	70,000
4.0 PTE Health Clerks	55,520
Vision/Hearing/Scoliosis	8,835
	<u>\$1,155,355</u>

Year 2: (2012-2013)

9.0 FTE School Nurses	\$ 963,000
2.0 FTE LVNs	110,000
3.0 PTE LVNs	52,500
2.0 PTE Health Clerks	27,760
Vision/Hearing/Scoliosis	2,095
	<u>\$1,155,355</u>

A sub group of the ad-hoc committee based this recommendation on their belief that the optimum delivery of health services to SMMUSD students must be determined by evaluating; (1) the long term needs and goals of the District, (2) best practices, and (3) alternative funding sources and potential partners. They recommend a task force be formed to undertake a long-term view of health services. The Committee as a whole endorsed Exhibit A.

At the April 26, 2011 Principal's Meeting, the school leaders were asked to share what they considered to be health service needs at their sites both for the nurse function and for the health clerk function. Principals considered the daily operations at their individual sites and replied to the question by school. This information was then joined with the recommendations given by the ad-hoc committee and the superintendent's recommendation was formed. In the principals' study, 80% of the principals indicated that certain designated services could be provided by a health clerk on their campuses. Specifically, principals considered the board-approved health clerk job description and felt health clerks could, at a minimum, perform the following functions:

- attend to sick and injured students with routine first aid
- assist with medication administration
- maintain health files/records, daily logs
- assist with lice outbreaks
- receive and relay telephone messages
- do data entry

- maintain office
- order supplies
- coordinate immunizations
- assist with communicative disease prevention
- coordinate public health warnings
- perform other duties as assigned

All principals requested the services of a nurse to varying degrees. Comments showed they were most interested in continuity of coverage with the same person(s) coming to the campus on a consistent basis. They further stated that before and after school programs needed coverage, and students with special health issues needed care from a credentialed school nurse. Principals felt the need for a school nurse to perform mandated functions, such as:

- administration of insulin
- analysis of student health information
- vision and hearing screenings
- Special Ed and 504 requirements
- deliver presentations at staff training sessions

Six of the seventeen sites, CDS, Olympic HS, Grant Elementary, Santa Monica HS, Cabrillo Elementary, and Malibu HS, felt a nurse was needed at least 95% of the time.

The committees, senior staff and the principals examined a host of data in coming up with their recommendations. One consideration was comparability with other districts. Our district's attorney and the Director of Student Services helped in determining the following data from a sampling of other districts. This chart depicts the enrollment at different sites and the number of credentialed school nurses serving that population.

District	Enrollment	Nurses	(Ratio)	Schools	Health Clerks
Tustin	23,000	5	(4,600:1)	30	30 (PT)
Palos Verdes	11,088	5	(2,217:1)	18	12 (PT)
Santa Ana	53,000	21	(2,523:1)	60	(to be updated)
Irvine	26,000	14	(1,857:1)	33	(to be updated)
Beverly Hills	4,800	1	(4,800:1)	6	5
Las Virgenes	11,644	3	(3,881:1)	15	15
Culver City	6,783	3	(2,261:1)	8	3
SMMUSD	11,500	9.6	(1,198:1)	16	0*

(SMMUSD employed 2 temporary nurses for the 2010-2011 school year: ratio 1,045:1)

* Currently, 3 schools have Administrative Assistants working in the health office.

After careful study, the superintendent recommends an initial plan for the 2011-12 school year and a phase-in plan for the school years 2012-2013 and 2013-2014. The superintendent's recommendation to the board for delivery of health services for 2011-2012 includes 7 credentialed school nurses and 8.5 health clerks. The superintendent recommends organizing the health services delivery model by pathway. This will ensure continuity and parity between units while at the same time consider the district logistics and special student needs. The 2011-2012 recommendation to the board represents a total cost of \$1,154,875, which is virtually the same amount the ad-hoc committee was given as a planning budget. The benefits of the district's plan are three fold:

1. Health services will be delivered by 15.5 FTE rather than the 9.6 FTE permanent nursing staff. This represents a 62% increase in service from health providers.

2. In a LACOE survey, 60% of responding school districts indicated they employ health clerks. SMMUSD will emulate these Los Angeles County districts and will be able to study the results of adding health clerks to the workforce. In particular, the district can study the rate of response and monitor the number of students and types of complaints presented at the health office.
3. The district believes the mandated services can be performed by the remaining credentialed school nurses and will consider phasing in licensed vocational nurses by attrition. The savings in year three are controlled by the number of LVNs or health clerks the district wishes to hire.

An explanation of the first year and a graphic illustration of one distribution example follows:

2011-12 School Year:

Nurse Distribution Total 7

- 1 full time nurse at SAMOHI
- 1 full time nurse at Malibu High/Middle School
- 1 full time nurse serving each pathway: Jams, Lincoln, and Malibu
- 1 full time nurse serving CDS and Olympic
- 1 district coordinating nurse

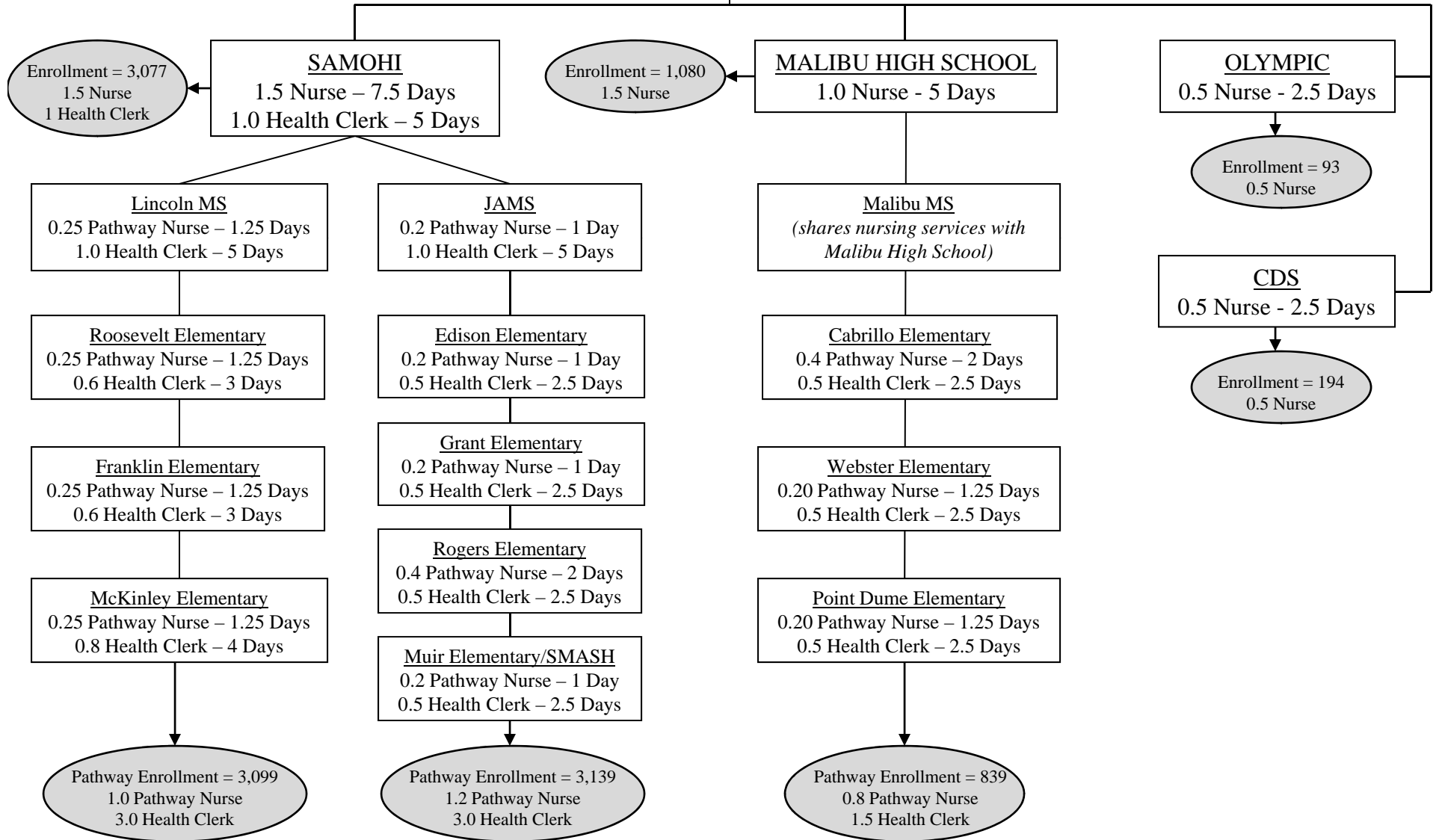
Health Clerk Distribution Total 8.5

- 1 full time health clerk at Lincoln and Jams
- 1.5 full time health clerk serving Pt. Dume, Webster, and Cabrillo
- 1 full time health clerk serving SAMOHI
- 1 full time health clerk serving SMASH, Muir, and Rogers
- 2 full time health clerks serving McKinley, Roosevelt, and Franklin
- 1 full time health clerk serving Grant and Edison

The chart on the following page further illustrates this distribution:

SMMUSD – PROPOSED HEALTH SERVICES DELIVERY MODEL

DISTRICT NURSE
(0.5) – 2.5



Phase-In Plan

Although the board originally granted the authority to lay off 5.6 FTE nurses leaving 4.0 FTE, the Superintendent's recommendation is to begin with a 2.6 FTE nursing staff reduction for 2011-2012, and to phase-in additional reductions ending with 5.0 FTE permanent school nurses on staff by 2013-2014. A pilot, attrition-based program replacing credentialed school nurse positions with Licensed Vocational Nurses may be considered. The district envisions the delivery model decreasing to 6.0 nurses in 2012-13, to 5.0 in 2013-14. This model would leave the 5.0 nurses to perform mandated services and LVNs or health clerks to fill remaining needs such as insulin administration. An example of such a phase-in plan is shown below.

2012-2013 (Possible Phase-In Goal)

RNs	6 FTE <ul style="list-style-type: none">• 1 at each high school (Malibu and SAMO) = 2• 1 per pathway = 3• 1 Coordinating Nurse	\$642,000 (\$107,000)
LVNs	3 FTE <ul style="list-style-type: none">• 1 at each middle school (Lincoln and JAMS) = 2• 1 at Olympic/CDS	\$165,000 (\$55,000)
HCS	7 FTE <ul style="list-style-type: none">• 2 share Pt Dume/ Webster/Cabrillo;• 1 each share SMASH/Muir, Roosevelt/Franklin, Edison/McKinley, Rogers/Grant, and SAMOHI	\$334,250 (\$47,750)
Total	16 FTE	\$1,141,250

2013-2014 (Possible Phase-In Goal)

RNs	5 FTE <ul style="list-style-type: none">• 1 SAMOHI, 1 Coordinating Nurse, 1 per pathway = 3	\$535,000 (\$107,000)
LVNs	4 FTE <ul style="list-style-type: none">• 1 at MHS, 1 in each middle school, 1 Olympic/CDS	\$220,000 (\$55,000)
HCS	7 FTE <ul style="list-style-type: none">• 2 share Pt Dume/ Webster/Cabrillo;• 1 each share SMASH/Muir, Roosevelt/Franklin, Edison/McKinley, Rogers/Grant, and SAMOHI	\$334,250 (\$47,750)
Contracting Hearing and Vision	<ul style="list-style-type: none">• \$10/student grades K, 2, 5, 8, 10, (1,000 students per grade level)	\$50,000
Total	16 FTE	\$1,139,250

Appendix:

CURRENT SCHOOL NURSE SCHEDULE

<i>School</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
Malibu Pathway					
MHS	Ernst	Ernst	Ernst	Ernst	Ernst
Cabrillo-4	Mahon	Mahon	Mahon	Mahon	Housman am
Pt Dume			Relles		
Webster		Relles			Housman pm
JAMS Pathway					
JAMS	Bronstein	Bronstein	Bronstein	Bronstein	Bronstein
Muir-1	Cano	(Morn)	Cano	(Cano)	(Morn)
Smash				Cano 0.5	
Grant-1	Kelly (CREST-SK)	Bressler (CREST-RB)	Bressler (CREST-RB)	Kelly (CREST-SK)	Bressler 0.5 / Kelly (CREST-RB)
Edison-1	Rand pm	Kelly am	(Jeffries)	Rand pm	Kelly
Rogers	Housman	Jeffries	Jeffries		
Lincoln Pathway					
Lincoln	Sachs	Sachs	Sachs	Sachs	Sachs
McKinley	Bressler			Bressler	Bressler 0.5
Roosevelt-2	Waldorf	(Sachs)	Waldorf	(Sachs)	Waldorf
Franklin-1	(Sachs)	Waldorf	Kelly	Waldorf	(Sachs)
SAMOHl	McElvain	McElvain/ Kelly pm	McElvain	McElvain/ Cano pm	McElvain
Olympic	Rand am			Rand am	
CDS		Housman	Housman	Housman	
Sp Ed preschool/ Coordinating Nurse	Morn	Morn	Morn	Morn	Morn

Appendix:**HEALTH DELIVERY SERVICES AD-HOC COMMITTEE**

Name	Affiliation	Category
Anette Bolan	SMMUSD SEIU Rep.	Education
Leslie Butchko	Health and Safety District Advisory Committee	Community
Susan Chaides	LACOE Consultant, School Health Programs	Health and Safety
Shirley Compton	Assistant Principal John Adams Middle	Education
Marolyn Freedman	SMMUSD Director of Student Services	Education
Jason Kurtenbach	Samohi S House Principal	Education
Jan King	Los Angeles County Dept. of Public Health Area Health Officer SDA 5/6	Health and Safety
Dr. Claudia Landis	Special Education DAC Chairperson	Community
Dr. Margarita Loeza	Venice Family Clinic/ Samohi Teen Clinic	Public Health and Safety
Meg Mahon	SMMUSD Nurse Secondary & Elementary	Education
Martha Monahan	Assistant Principal Grant Elementary	Education
Debra Moore Washington	SMMUSD Asst. Superintendant	Education
Lora Morn	SMMUSD Coordinating Nurse	Education
Pat Nolan	DAC Chairperson	Community
Suzanne Post	Santa Monica Fire Department	Public Health and Safety
Thomas Priselac	Cedars Sinai Hospital	Public Health and Safety
Kelly Pye	Community Member	Community
Julie Rusk	City of Santa Monica Human Services Manager	Community
Renée Semik	Samohi I House Principal	Education

TO: BOARD OF EDUCATION

DISCUSSION

05/19/11

FROM: TIM CUNEO / CHIUNG SALLY CHOU / PEGGY HARRIS

RE: WRITING INSTRUCTION / DEVELOPMENT OF WRITING FRAMEWORK

DISCUSSION ITEM NO. D.03

Over the last several months, a team of elementary, middle, and high school English Language Arts teachers has been working to create a comprehensive framework to systematically guide writing instruction in district classrooms.

This report provides background information and a status update on this project.

TO: BOARD OF EDUCATION

DISCUSSION

05/19/11

FROM: TIM CUNEO

RE: REVIEW DRAFT SANTA MONICA HIGH SCHOOL USE AGREEMENT WITH
CITY OF SANTA MONICA

DISCUSSION ITEM NO. D.04

It is recommended that the board review the draft Santa Monica High School Use Agreement with the City of Santa Monica and provide direction as appropriate.

Background:

The City of Santa Monica placed a sales and transaction tax proposition on the November 2, 2010, ballot. In addition an advisory measure was also included. The language of the proposition and advisory measure were:

<u>Measure Y</u> Shall an ordinance be adopted to offset severe state budget cuts, protect and stabilize City finances, and maintain essential services including: police, fire, paramedic and emergency 911 response, school, educational and afterschool programs, public transit, services for the disabled, gang and drug prevention programs, environmental, library and other general fund services, by enacting a City of Santa Monica ½ percent transactions and use tax, subject to independent annual audits, and no money going to Sacramento?	YES: 61.22% NO: 38.78%
<u>Measure YY</u> ADVISORY VOTE ONLY: If a local transactions and use tax is enacted in the City of Santa Monica, should half of its revenue be used to support school, educational and afterschool programs, with half of its revenue being used for general City services such as: police, fire, paramedic and emergency 911 response, public transit, services for the disabled, gang and drug prevention programs, environmental, library and other general fund services?	YES: 68.26% NO: 31.74%

As a result of the advisory measure the School District is offering the City the opportunity to lease and utilize facilities at Santa Monica High School including a swimming pool, play fields, courts, a gymnasium and other facilities which are unused or underutilized during non-school hours. In consideration for the use of these facilities, the City would pay the District an annual amount from the City's General Fund equivalent to one half of the transaction and use tax revenue received by the City in the previous year. The initial term of the Agreement would be ten years with the option to extend for an additional 10 years for a total agreement term of 20 years.

The Agreement:

The proposed draft program agreement (attached) would provide for City access to Santa Monica High School facilities during designated times when school is not in session. High School facilities would include tennis courts, playfield and track, south gymnasium, storage space, and parking lots. Additionally, to facilitate the City's use of the High School's facilities, the District would also make available program-related equipment and furnishings.

Under the proposed draft agreement, District and City staff would jointly establish an annual Facility Use Plan that would designate specific community use times based on the school calendar, special events, and scheduled maintenance. The Theater Operations and Facilities Permits staff will provide scheduled monitoring of these sports facilities or provide an on-site district representative during program hours for the purposes of protecting and preserving the facilities by encouraging proper use and providing information to users about property use.

While the City would have priority over any non-district programs for use of all sports facilities, the proposed agreement would also allow the District to make High School facilities available for use by non-profit organizations and others providing programs and activities for Santa Monica youth and other users.

Payment to the District

In consideration for the use of High School facilities, the City would pay the District an annual amount from the City's General Fund equivalent to one half of the transaction and use tax revenue received by the City in the previous year. The City would provide monthly payments to the District based on estimated transaction and use tax revenue projections. At the end of each quarter of the fiscal year, after the City receives actual revenue accounting from the State Board of Equalization, the City would "true up" the amount to be paid to the District by adjusting the next month's payment upward or downward to reflect the difference between estimated and actual use tax revenues.

DRAFT 5/5/11
SANTA MONICA HIGH SCHOOL MASTER FACILITIES USE AGREEMENT

THIS SANTA MONICA HIGH SCHOOL MASTER FACILITIES USE AGREEMENT ("Agreement") is entered into this ____ day of _____, 2011, by and between the CITY OF SANTA MONICA, a municipal corporation and charter city ("City"), and the SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, a unified school district ("District"), each duly organized and existing under the laws of the State of California.

RECITALS:

A. The City and District share a strong commitment to meeting the community's needs and enhancing its future through civic partnership.

B. City use of District property for community programs during non-school hours is one way that the City and District can achieve their mutual goals and fulfill their separate needs.

C. The City needs access to recreational space and facilities because its own parks, fields and recreational facilities are limited in size and number and are heavily utilized.

D. The District needs to maximize revenues generated by its assets in order to maintain the high quality of public education in Santa Monica.

E. The District owns and operates facilities at Santa Monica High School ("the High School") suitable for these purposes, including a swimming pool, play fields, courts, a gymnasium, and other facilities that are unused or underutilized during non-school hours.

F. The City's leasing of these High School facilities during non-school hours will also effectuate the will of Santa Monica's voters. In November 2010, more than 68% of the voters approved an advisory measure specifying that half of the City's transaction and use tax revenue are to be used to support school, educational and after-school programs.

G. The City and District desire to enter into this master facilities use agreement ("Agreement") that allows the City and community to lease and utilize these facilities during non-school hours to meet these community recreational needs.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. SCOPE

This Agreement shall govern and implement program activities conducted or administered by the City's Department of Community and Cultural Services that are held at the High School.

2. TERM

The initial term of this Agreement shall be for ten (10) years commencing on _____, and ending on _____, unless otherwise terminated pursuant to this Agreement. By mutual written agreement, the City and District may extend this Agreement for an additional ten (10) year term. The parties contemplate that this Agreement will be extended for a second ten (10) year term, unless the financial

circumstances of either party have so materially changed during the initial term that fiscal prudence and responsibility to the public dictate nonrenewal.

3. SUPPLEMENTAL FACILITIES USE AGREEMENT

A Santa Monica High School Supplemental Facilities Use Agreement ("Supplemental Use Agreement") is contemplated by the parties and shall be executed by and between the City and the District pursuant to this Agreement. The Supplemental Use Agreement shall set forth specific facilities and available time periods for City use of the High School Facilities pursuant to this Agreement and shall govern, among other things, program scheduling, maintenance, staffing, monitoring, permitting, priorities for use, the setting and charging of applicable permit fees (with fees set at an amount not to exceed the costs of administering the permits), and all other administrative and operational aspects of the City's use of the High School Facilities. This provision shall not be construed to prevent the City and the District from entering into other agreements relating to school sites and facilities within the City not specifically mentioned in this Agreement, or as the parties may desire.

4. PREMISES

The premises governed by this Agreement shall consist of various recreational facilities and structures located on the campus of the High School, including but not limited to: tennis courts; tracks; play fields; a swimming pool; a gymnasium; and ancillary facilities and structures, including restrooms, parking areas, which may be limited during periods of construction, and storage space (collectively, the High School Facilities").

5. USE OF HIGH SCHOOL FACILITIES

The City may use the High School Facilities during designated times when school is not in session to provide or administer supervised and unsupervised recreational opportunities as specified in the Supplemental Use Agreement and otherwise, including but not limited to making the High School Facilities available for use by non-profit organizations and others providing programs and activities for Santa Monica youth and other users. Additionally, to facilitate the City's use of the High School Facilities, the District shall also make available program-related equipment and furnishings.

6. COMPENSATION

The City shall compensate the District in consideration for the City's use of the High School Facilities in accordance with this Agreement. However, the parties acknowledge and agree that it is impracticable and extremely difficult to ascertain the specific amount of compensation that should be paid to the District in accordance with the purpose of this Agreement and the terms and conditions of the Supplemental Use Agreement. Therefore, the parties agree that the following compensation represents reasonable compensation for the City's use of the High School Facilities in accordance with this Agreement: The City shall pay to the District from the City's General Fund an annual amount equal to one-half of the revenue received by the City from the one-half percent transaction and use tax enacted pursuant to Ordinance No. 2316 (CCS) ("Tax"). Payments shall be made on a monthly basis, commencing June 2011, in an amount equal to one-half of the amount that the City receives from the State Board of

Equalization ("SBOE") in the SBOE's monthly payment to the City of the estimated Tax receipts. The City will make the payment to the District within five (5) business days after it receives the payment from the SBOE. Upon the City's receipt of each quarterly reconciliation from the SBOE of actual Tax revenues compared to the SBOE's estimated payments made to the City, the City shall provide the District with an accounting and shall adjust the next monthly payment upward or downward by one half of any difference between the prior quarter's estimated payments and actual Tax receipts. If the City perceives any act or omission by or of the District with respect to the District's obligations under this Agreement, the City shall give the District notice and a reasonable opportunity to cure before delaying or reducing any payment. The City's obligation to make such payments shall not be reduced, delayed or otherwise impaired by any acts or omissions by or of the District unrelated to its obligations under this Agreement.

7. ANNUAL SCHEDULING

Annual District Calendar. By March 1st of each year, the Superintendent of the District, or his/her designee, will provide the City's Director of Community and Cultural Services, or his/her designee, with the District's Calendar for the ensuing fiscal year. The Calendar shall include dates for the start and end of the school year, vacation and holidays, and shortened and pupil-free days for the High School. The District shall transmit to the City any and all revisions to the Annual District Calendar within adequate time for the City to make any necessary changes to Community and Cultural Services Department operations or use of the High School Facilities.

School Start and Dismissal Times. By July 1st of each year, the Superintendent of the District, or his/her designee, will provide in writing to the City's Director of Community and Cultural Services, or his/her designee, the start and dismissal times for the ensuing school year, including times for late start and early dismissal, for the High School pursuant to this Agreement. The District shall provide the Community Recreation Manager with two (2) weeks prior written notification of any changes in school start and dismissal times during each school year.

School Events Calendar. By August 1st of each year, the District shall provide the Community Recreation Manager with an annual School Events Calendar and any additional information regarding all events planned for the High School.

Facility Maintenance Schedule. The City and District will cooperatively establish an annual schedule governing facility or field closures for scheduled maintenance and renovation. Revisions to the Supplemental Use Agreement may be necessary due to facility or field maintenance and renovation. Additionally, revisions may be necessary, without notice, for unscheduled maintenance and repair and because of rain or other inclement weather conditions.

8. PROGRAM COORDINATION

The District and City shall work collaboratively to ensure a high level of communication between the parties regarding the City's use of the High School Facilities for City

programming. Specific coordination and responsibilities of the City and the District will be set forth in the Supplemental Use Agreement.

9. TERMINATION

In the event that the City Manager determines that the District has failed to perform any of its obligations under this Agreement, which failure materially deprives the City and the community of the benefits anticipated under this Agreement, the City Manager shall advise the Superintendent of the District of such determination and the City Manager and the Superintendent of the District shall meet and confer regarding the basis for such determination and the steps that the City Manager deems to be necessary and appropriate to cure such failure.

If, following such meeting and an appropriate time for the District to cure, the City Manager determines that such failure has not been sufficiently corrected and that the District's failure to perform such obligation continues to materially deprive the City and the community of the benefits anticipated under this Agreement, the City Manager shall have the right to send written notice to the District specifying the nature of such failure and the steps necessary to cure and advising that this Agreement may be terminated unless such failure is cured within six (6) months from the date of such notice.

10. NOTICES

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or

on the fifth business day after deposit in the United States mail, postage prepaid, registered or certified, addressed as follows:

All notices, demands, requests or approvals from District to City shall be addressed to the City at:

Department of Community and Cultural Services
City of Santa Monica
1685 Main Street
Santa Monica, CA 90401
Attn: Director

All notices, demands, requests or approvals from City to District shall be addressed to District at:

Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404
Attn: Assistant Supt. for Business and Financial Services

With copies to:

Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404
Attn: Superintendent

Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404
Attn: President of the SMMUSD Board of Education

Either party may, from time to time by notice in writing served upon the other party, designate a different mailing address or a different person to whom all notices, demands, requests or approvals are thereafter to be addressed.

11. MUTUAL INDEMNIFICATION

Indemnification by District. District hereby agrees to defend, indemnify and hold harmless the City (including but not limited to members of its City Council, boards and commissions, officers, agents, employees, and volunteers) from and against all claims, damages, losses, expenses, demands, liability, lawsuits, and judgments including, but not limited to, attorney's fees, arising directly or indirectly from or in any manner related to District's possession, occupancy or use of the High School Facilities pursuant to this Agreement or arising from or in any manner connected to the District's business, activities, operations, services or work conducted in, or about the High School Facilities, except as otherwise expressly stated herein. However, the District shall not be required to indemnify the City where such claim arises from the negligence or wrongful misconduct of the City. The City shall promptly notify the District of any claim or cooperate with the District in connection with the defense of such claim.

Indemnification by City. City hereby agrees to defend, indemnify and hold harmless the District (including but not limited to members of its Board of Education, committees, officers, agents, employees, and volunteers) from and against any claim arising directly or indirectly from or in any manner related to the City's possession, occupancy or use of the High School Facilities pursuant to this Agreement or arising from or in any manner connected to the City's business, activities, operations, services or work conducted in or about the High School Facilities, except as otherwise expressly stated herein. However, the City shall not be required to indemnify the District where such claim arises from the negligence or wrongful misconduct of the District. The District shall promptly

notify the City of any claim and cooperate with the City in connection with the defense of such claim.

Survival of Section. This Section shall survive the expiration or earlier termination of this Agreement.

12. INSURANCE

Prior to execution of this Agreement, the District shall procure and thereafter maintain throughout the term of this Agreement insurance against claims for injuries to persons or damage to property arising from or in connection with use of the High School Facilities pursuant to this Agreement as specified in District's Insurance Obligations set forth in Attachment A to this Agreement and incorporated by reference. The acquisition and maintenance of such insurance shall not affect the obligation of indemnity established by Section 11 of this Agreement.

13. NOTICE AND OPPORTUNITY TO CURE

Before taking any legal action to enforce this Agreement, the party claiming breach shall give the other party thirty (30) days written notice and the opportunity to cure the breach. Notices shall be directed to:

To City: _____

To District: _____

14. AMENDMENTS TO AGREEMENT

This Agreement may be amended or modified at any time by mutual agreement of the parties. Any amendment or modification to this Agreement shall be in writing and shall be effective only upon written execution signed by the parties to this Agreement.

15. INTERPRETATION OF AGREEMENT

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The section headings are for purposes of convenience only.

16. INTEGRATION OF AGREEMENT

It is understood that there are no oral agreements between the parties hereto affecting this Agreement and the subject matter thereof and this Agreement supersedes and cancels any and all previous negotiations, arrangements, oral agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement.

17. SEVERABILITY

In the event that part of this Agreement is declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

18. ATTORNEY'S FEES

If a party to this Agreement is required to initiate or defend, or is made a party to, any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees.

19. APPLICABLE LAW

This Agreement shall be construed and interpreted under and governed and enforced according to the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF SANTA MONICA
A municipal corporation

ATTEST:

MARIA STEWART
City Clerk

By: _____
ROD GOULD
City Manager

APPROVED AS TO FORM:

MARSHA JONES MOUTRIE
City Attorney

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT
A unified school district

By: _____
TIM CUNEO
Superintendent

DISTRICT'S INSURANCE OBLIGATIONS

The District shall secure before execution of this Agreement the following types and amounts of insurance:

Minimum Limits of Insurance.

District shall obtain insurance of the types and in the amounts described below:

(1) Commercial General Liability Insurance:

District shall maintain commercial general liability insurance or self-insurance (CGL) with a limit of not less than Five Million Dollars (\$5,000,000) each occurrence/Five Million Dollars (\$5,000,000) in the annual aggregate.

(2) Business Auto Liability Insurance:

District shall maintain business auto liability insurance or self-insurance with a limit of not less than One Million Dollars (\$1,000,000) each accident.

(3) Workers' Compensation and Employer's Liability:

District shall maintain workers' compensation insurance or self-insurance as required by the State of California and Employer's Liability Insurance in the amount of One Million Dollars (\$1,000,000) per accident for bodily injury or disease.

Minimum Scope of Insurance.

(1) CGL insurance shall be written on Insurance Services Office Form CG 00 01 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

(2) Business Auto Insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos). Coverage shall be written on Insurance Services Office Form CA 00 01, CA 00 05, CA 00 12, and CA 00 20, or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later editions of CA 00 01.

Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain; the following provisions:

(1) The City of Santa Monica, members of its City Council, boards and commissions, officers, agents, employees and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the District; and with respect to liability arising out of District's possession, occupancy, or use of the premises pursuant to this Agreement. Under the CGL policy, using the Insurance Services Office additional insured endorsement form CG 20 10 or a substitute providing equivalent coverage. City and other additional insureds mentioned in this paragraph shall not, by reason of their inclusion as additional insured, become liable for any payment of premiums to carriers for such coverage.

General Liability, Workers' Compensation and Employer's Liability.

The insurer shall agree to waive all rights of subrogation against the City of Santa Monica, members of its City Council, boards and commissions, officers, agents, employees and volunteers for losses arising from activities and operations of District in the performance of services under this Agreement.

All Coverages.

Each insurance policy required by this Agreement shall be endorsed to state that coverage shall not be canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City at the following address:

Community and Cultural Services
City of Santa Monica
1685 Main Street
Santa Monica, California 90401
Attention: Barbara Stinchfield, Director

Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: 6, unless otherwise approved by the City's Risk Manager.

Verification of Coverage.

District shall furnish the City with original certificates of insurance and amendatory endorsements affecting coverage required by this Agreement. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by City or on other than the City of Santa Monica's forms, provided those forms and endorsements conform to the requirements. All certificates and endorsements are to be received and approved by City before this Agreement commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

TO: BOARD OF EDUCATION
FROM: TIM CUNEO / JANECE L. MAEZ
RE: BUDGET UPDATE

DISCUSSION
05/19/11

DISCUSSION ITEM NO. D.05

As the District continues to receive information regarding the State budget, as it relates to the development of our budget, Staff will regularly update the Board. These updates will be scheduled at each regular meeting of the Board until the District budget is adopted in June. These updates may include the following: new statewide projections, proposed changes to the district budget, enrollment projections, staffing ratios, and other budget-related details.

INFORMATION ITEMS

TO: BOARD OF EDUCATION

INFORMATION

05/19/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / PEGGY HARRIS

RE: SUPPLEMENTAL TEXTBOOKS

INFORMATION ITEM NO. I.01

It is recommended that the textbooks listed below be adopted for the Santa Monica-Malibu Unified School District.

COMMENT: In accordance with the Board of Education policy, the textbooks(s) listed below will be on public display for the next two weeks in the Educational Services Department at 1638 – 17th Street, Santa Monica, CA 90404

Shakespeare: The World As Stage, by Bill Bryson for grades 9-12 at Malibu High School. Adoption requested by Bonnie Thoreson.

Autobiography of a Face, by Lucy Grealy for grades 9-12 at Malibu High School. Adoption requested by Bonnie Thoreson.

TO: BOARD OF EDUCATION

INFORMATION

03/03/11

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / PEGGY HARRIS

RE: TEXTBOOKS

INFORMATION ITEM NO. I.02

It is recommended that the textbooks listed below be adopted for the Santa Monica-Malibu Unified School District.

COMMENT: In accordance with the Board of Education policy, the textbook(s) listed below will be on public display for the next two weeks in the Educational Services Department at 1638 17th Street, Santa Monica, CA 90405.

Introduction to Sociology, A Down-To-Earth Approach, by James M. Henslin for grades 9-12 at Malibu High. Adoption requested by Any Meyer.